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Pages 15059–15143

THE UNIVERSITY OF MICHIGAN
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MAIN READING ROOM

Agencies in this issue—

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Agricultural Stabilization and Conservation Service
Agriculture Department
Army Department
Atomic Energy Commission
Business and Defense Services Administration
Civil Aeronautics Board
Consumer and Marketing Service
Defense Department
Federal Aviation Administration
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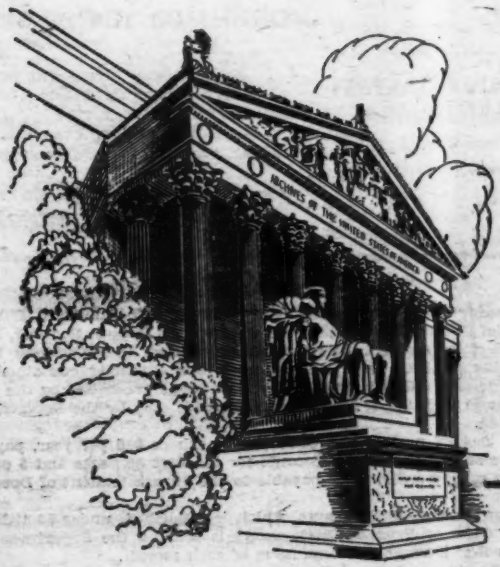

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CFR CHECKLIST

This checklist, arranged in order of titles, shows the issuance date and price of current bound volumes and supplements of the Code of Federal Regulations. The rate for subscription service to all revised volumes and supplements issued as of January 1, 1967, is $100 domestic, $30 additional for foreign mailing. The subscription price for revised volumes and supplements to be issued as of January 1, 1968, will be $125 domestic, $35 additional for foreign mailing.

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[1] Temporarily out of print.

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 1]

PART 106—LEASE GUARANTEE

Miscellaneous Amendments

Correction

In F.R. Doc. 67-12556 appearing in the issue for Wednesday, October 25, 1967, at page 14759, the reference to § 106.6(g) (1) on page 14760 should read § 106.6(g) (2). As corrected it will read as follows:

(g) Minimizing the risk:

(2) [Deleted]

[2] Out of print.

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS[1 2] (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—Regulations

On August 22, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 12052) regarding a revision of Regulations (Inspection, Certification, and Standards) Fresh Fruits, Vegetables and Other Products (7 CFR 51.1–51.61). A correction to the aforesaid proposal was published in the FEDERAL REGISTER on September 12, 1967 (32 F.R. 12953) and an extension of time to September 30, 1967 for submission of written data, views or arguments was published in the FEDERAL REGISTER on September 14, 1967 (32 F.R. 13077).

Statement of considerations leading to the revision of the regulations. Following publication of the proposal in the FEDERAL REGISTER on August 22, no written comments were received. The text is the same as published in the aforesaid notice of proposed rule making, as corrected, with the following exceptions:

(a) Under § 51.49 *Approved identifications* (d) the date on stamp illustration, Figure 6, is changed from "Aug. 27, 1956" to "Aug. 27, 1966"; and

(b) Under § 51.54 *Plant survey*, the section number reference, "51.62", which was inadvertently inserted in the proposal, is corrected to read "51.59".

The revised regulations incorporate the several amendments issued since 1957. The principal changes are in the interest of improved format, clarity, and the inclusion of up-to-date procedures in line with current practices.

New additions to the regulations include more detailed information for those who may be interested in using the Department's Continuous Inspection Program. This revision also gives the Administrator the authority to license firms to manufacture and sell color standards or defect guides.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following Regulations governing Inspection, Certification and Standards are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.).

---

[2] Among such other products are the following: Raw nuts, Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

[3] None of the requirements in the regulations of this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this part.

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AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

ADMINISTRATIVE

§ 51.1 Administration of regulations.

The Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, is charged with the administration of the regulations in this part, except at his discretion, he may delegate any or all such functions to any other officer or employee of the Consumer and Marketing Service of the Department.

DEFINITIONS

§ 51.2 Terms defined.

Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

(a) *Act.* "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq.) as amended; (7 U.S.C. 1621 et seq.) or any other act of Congress conferring like authority.

(b) *Administrator.* "Administrator" means the Administrator of Consumer and Marketing Service.

(c) *Applicant.* "Applicant" means any interested party who has applied for inspection service under the regulations in this part.

(d) *Condition.* (1) "Condition" means the relative degree of soundness of a product which may affect its merchantability and includes those factors which are subject to change and may result from, but not necessarily limited to, age, improper handling, storage or lack of refrigeration.

(2) Examples of condition factors include maturity or stage of ripeness; state of freshness, such as crispness, tenderness, or toughness; wilting; shriveling or flabbiness; mechanical injuries resulting from improper handling after packing; progressive pathological, physiological, and virus diseases, including fungal and bacterial rots; and freezing damage which may occur in transit or storage; or any other factor which may occur, develop, or progress in the marketing channels.

(e) *Consumer and Marketing Service.* "Consumer and Marketing Service" means the Consumer and Marketing Service of the Department.

(f) *Department.* "Department" means the U.S. Department of Agriculture.

(g) *Federal-State Inspection Agency.* "Federal-State Inspection Agency"

means any State agency, business association or trade organization, private firm, or other person or corporation with which the Department has entered into a cooperative agreement for inspection service.

(h) *Grade.* "Grade" means a class or rank of quality.

(i) *Inspector.* "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary, to investigate, sample, inspect, and certify, in accordance with the regulations in this part, to any interested party the quality, quantity and/or condition of any fresh product covered in this part, and to perform related duties in connection with the inspection service.

(j) *Inspection service.* "Inspection service" means:

(1) The Service established and conducted under the regulations in this part for the determination and certification or other identification as to the grade, the quality and/or condition of fresh fruits or vegetables and related products including the condition of container.

(2) Performance by an inspector of any related services such as reporting the temperatures of loads or lots of fresh products.

(3) To observe conditions under which a product is being packed, to observe plant sanitation as a prerequisite to inspection of the packed product either on a continuous or periodic basis, or checkload the inspected product in connection with the marketing of the product.

(4) The issuance of inspection certificates or reports relating to subparagraphs (1), (2), and (3) of this paragraph.

(k) *Interested party.* "Interested party" means any person who has a financial interest in the product for which inspection is requested.

(l) *Lot.* "Lot" means any number of containers which contain a product of the same kind located in the same conveyance, warehouse, packing house, or on the same dock or platform and which are available for inspection at the same time: *Provided,* That:

(1) Products which are different from each other as to grade, variety, size, condition, identification marks, or other factors may be deemed to be separate lots;

(2) If the applicant requests more than one inspection certificate covering different portions of the same lot, the quantity of the lot covered by each certificate shall be deemed to be a separate lot; and,

(3) If said product is packed in more than one size or type of container, each such size or type may be deemed to be a separate lot.

(m) *Person.* "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), and any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(n) *Packing plant.* "Packing plant" means the premises, buildings, structures, and equipment including but not limited to, machines, utensils, fixtures, employed or used with respect to preparation and packing the product.

(o) *Quality.* "Quality" means the combination of the inherent properties or attributes of a product which determines its relative degree of excellence.

(p) *Regulations.* "Regulations" means the regulations in this subpart.

(q) *Sample.* "Sample" means any number of sample units to be used for inspection.

(r) *Sample unit.* "Sample unit" means a container and/or its entire contents, a portion of the contents of a container or other unit of a commodity, or a composite mixture of a commodity to be used for inspection.

(s) *Sampling.* "Sampling" means the act of selecting samples of a commodity for the purpose of inspection under the regulations in this part.

(t) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Consumer and Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 51.3 Designation of official certificates, memoranda, marks, other identifications and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purpose of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) *Inspection certificate.* "Inspection certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, identification, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) *Official memorandum.* "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) *Official mark.* "Official mark" means the grade mark, inspection mark, combined form of inspection and grade mark, and any other mark, or any variations in such marks, including those prescribed in § 51.49, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected, or both, or indicating the appropriate U.S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected, or both, under this part.

(d) *Official identification.* "Official identification" means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this Part or any symbol, stamp, label or seal indicating that the product has been graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) *Official device.* "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof; or any device approved and designated by the Administrator as a USDA official device for use as a color standard, defect guide, or other similar aid to interpret the U.S. Department of Agriculture grade standards and to facilitate conduct of the Inspection Service.

Inspection Service

§ 51.4 Where inspection service is offered.

Products will be inspected at appropriate points indicated in paragraphs (a), (b), and (c) of this section whenever inspectors are available.

(a) *Shipping points.* Inspection service is available in all areas covered by cooperative agreements entered into on behalf of the Department with Cooperating Federal-State Inspection Agencies providing for this inspection work pursuant to authority contained in any Act of Congress, or may be provided in any other area which is not covered by a cooperative agreement if the Administrator determines that it is practicable to provide inspection service.

(b) *Destination markets.* Inspection is available in all central markets in which an inspection office is located.

(c) *Other destination points.* Inspection may be made at any point which may be conveniently reached from any terminal market in which an inspection office is located to the extent inspection personnel is available.

(d) *Addresses of offices.* Any prospective applicant may obtain an up-to-date list of inspection offices by addressing an inquiry to Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 51.5 Who may obtain inspection service.

An application for inspection service may be made by any interested party, including, but not limited to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 51.6 How to make application.

An application for inspection service may be filed in an office of inspection at any market referred to in § 51.4 (b), (c), or (d) or with any inspector. It may be made in writing, orally, by telegraph, or by telephone. If made orally or by telephone, the inspector may require that it be confirmed by applicant in writing or by telegraph. An application may be made for one or more lots, or it may be in the nature of a blanket application for inspection of all designated lots of a given commodity within a particular period, or for all designated lots loaded or received at a specified point.

§ 51.7 Form of application.

Each application for inspection service shall state (a) the name and address of the applicant and the name and capacity of the person, if any, making the application in his behalf; (b) the name and address of the shipper; (c) the kind and quantity of the products involved; (d) the interest of the applicant therein; (e) the identification of the products by (1) grade, brand, or other marks, if practicable, (2) car number of carrier or number of truck or name of boat, if practicable, and (3) the name and location of the store, warehouse, or other place where the products are located; (f) the particular quality or condition concerning which inspection is requested, to which may be added the time and place at which it is desired that the inspection be made; (g) when the lot is to be inspected in a receiving market, the name and address of the receiver; (h) the name of the shipping point and of the destination, when known; and (i) such other information as may be necessary for identification of the product, or as may be required by the inspector or the Administrator.

§ 51.8 Filing of application.

An application shall be regarded as filed only when made at the office of inspection nearest the place where the commodity is located. A record showing the date and time of filing shall be made and kept in such office.

§ 51.9 When application may be rejected.

An application may be rejected by the inspector in charge of the appropriate office of inspection if the applicant objects to the inspector cutting an adequate number of specimens to determine the interior quality or condition of the product to be inspected, or for failure of the applicant (a) to observe the regulations of this part, (b) to furnish necessary information or to make the commodity reasonably available or accessible for inspection, (c) to pay for previous inspection services rendered, or (d) when it appears that to perform the inspection and certification service would not be to the best interest of the Government. Such applicant shall be notified promptly of the reason for such rejection.

§ 51.10 When application may be withdrawn.

An application may be withdrawn by the applicant at any time before the inspection is performed: *Provided*, That the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the Inspection Service in connection with such application.

§ 51.11 Authority to request inspection.

Proof of the interest of an applicant in the product involved, or of the authority of any person applying for inspection in behalf of another may be required, at the discretion of the inspector.

§ 51.12 Accessibility of products.

The applicant shall cause the products for which inspection is requested to be made reasonably accessible for sampling or inspection and to be so placed as to disclose their quality or condition. Samples of the products drawn for examination shall be inspected only under such conditions as, in the opinion of the inspector, will permit a true and correct determination to be made of their quality or condition.

§ 51.13 Basis of service.

Inspection and certification service for quality and/or condition shall be based upon the appropriate standards promulgated by the U.S. Department of Agriculture, applicable standards prescribed by the laws of the State where the particular product was produced, specifications of any governmental agency, written buyer and seller contract specifications, or any written specification by an applicant which is approved by the Administrator: *Provided*, That if such product is regulated pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), or the comparable laws of any State, such inspection and certification shall be on the basis of the standards, if any, prescribed in, or pursuant to, the marketing order and/or agreement effective thereunder.

§ 51.14 Order of inspection service.

Inspection service shall be performed, insofar as practicable, in the order of which applications are received, except that precedence shall be given (a) to the inspection of lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (U.S.C. 449a et seq.), and (b) to appeal inspections. Precedence may also be given to applications made on behalf of the Federal or State Government.

§ 51.15 Financial interest of inspector.

No inspector shall inspect any product in which he is directly or indirectly financially interested.

§ 51.16 Postponing inspection service.

If the inspector has reason to believe that, because of latent defects due to climatic or other conditions, he is unable to determine the true quality or condition of the product, he shall postpone examination for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition. Inspection shall also be postponed by the inspector, unless otherwise directed by the applicant, if in his judgment examination of the product when exposed to low temperatures may result in damage to the product.

§ 51.17 Official sampling.

Samples may be officially drawn by any duly authorized inspector and delivered, or shipped, for analysis and certification to the nearest designated market or to such market as shall be directed by the Administrator. The container in which such samples are delivered, or shipped, shall contain a statement, signed by the inspector who drew the samples, showing the time and place of the sampling and the brands or other identifying marks of the containers from which the samples were drawn. The certificate based on such samples shall show the time and place of drawing the samples, and the name of the inspector by whom they were drawn.

§ 51.18 Certificate forms.

Certificates shall be issued on forms approved by the Administrator.

§ 51.19 Issuance of certificates.

The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of lots a single certificate may be issued to cover all such lots: *Provided*, That (a) another employee of the Inspection Service may sign any such certificate covering any product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection; when (b) inspection is made by any person for the purpose of determining whether food products for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but, the fact of such compliance or noncompliance may be indicated by affixing an appropriate stamp or mark on such products or the containers thereof, at the discretion of the inspector.

§ 51.20 Issuance of corrected certificates.

A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, grade statements, lot or car numbers, identification marks, types of containers, sizes, weights, quantities, or

errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 51.21 Disposition of inspection certificates.

(a) The original certificate, and not to exceed four copies (if requested by applicant prior to issuance), shall be delivered or mailed promptly to the applicant or to a person designated by him. One copy shall be filed in the office of the inspector when the inspection is made by a Federal Government employee, otherwise, it shall be filed in the appropriate office of the cooperating Federal-State Inspection Agency. Unless otherwise directed by the Administrator, two copies of each official certificate issued on products received in destination markets shall be forwarded to the Administrator to be kept on file in Washington and no copies of official certificates issued at shipping point need be so forwarded. In the case of any product covered by a marketing agreement and/or order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), at least one copy of each certificate covering the inspection of such product shall, on request, be delivered to the administrative agency established thereunder, subject to such terms and conditions as the Administrator may prescribe. Copies may be furnished to other interested parties as outlined in § 51.41.

§ 51.22 Disposition of samples.

If it is necessary to take samples of the product to the inspection office for further examination, the inspector, after completion of inspection of such samples shall dispose of them or any usable portion as follows: (a) Ascertain from the applicant if the owner wants the samples returned to him at his expense, (b) if he does not want them returned at his expense, give them to a nonsectarian charitable organization or, (c) if they have a substantial monetary value, sell them and remit the proceeds to the Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or if applicable, to the cooperating State Agency. Such proceeds shall be deposited to the credit of the Inspection Trust Fund, Federal or cooperating agency, whichever is applicable.

§ 51.23 Report of inspection results prior to issuance of formal report.

Upon request of an applicant, all or any part of the contents of a certificate covering an inspection requested by him may be telegraphed or telephoned to him, or to any person designated by him, at his expense. If the application for such information is received after the certificate has been issued, it will be considered as an application for an extra copy of the certificate, and the fees prescribed in § 51.41 shall apply.

APPEAL INSPECTION

§ 51.24 When appeal inspection may be requested.

An application for appeal inspection may be made by any financially interested person who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot can be positively identified by the Inspection Service as the lot which was previously inspected.

§ 51.25 Where to file for an appeal inspection and information required.

An appeal inspection may be obtained by the applicant, or other person financially interested in the product, by filing a request (a) with the Inspection Office nearest the point where the product is located, or (b) with the inspector who made the original inspection, or (c) with any district supervisory inspection office, or (d) with the Administrator. The application for the appeal inspection shall state the reasons therefor, and shall be accompanied by a copy of any previous inspection certificate or inspection report, and any other information which the applicant received regarding the quality or condition of the product at the time of the original inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 51.26 Record of filing time.

A record showing the date and time of filing an application for appeal inspection shall be made promptly by the receiving office.

§ 51.27 When appeal inspection may be refused.

An application for an appeal inspection may be refused if: (a) The reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the product has undergone a material change since the inspection covering the product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be, made accessible for the inspection; (d) the lot relative to which appeal inspection is requested cannot be identified positively by the inspector as the lot which was previously inspected; or (e) there is noncompliance with the regulations in this part. Such an applicant shall be notified promptly of the reason for refusal.

§ 51.28 When an application for an appeal inspection may be withdrawn.

An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That the applicant shall pay any travel expenses, telephone, telegraph or other expenses which have been incurred by the Inspection Service in connection with such application.

§ 51.29 Order in which made.

Appeal inspections shall be made, as soon as practicable, following the time requested by the applicant and in the order in which applications are received. They shall take precedence over all other pending applications, except applications for inspections covering lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 as amended (7 U.S.C. 499a et seq.).

§ 51.30 Who shall perform appeal inspections.

Appeal inspections shall be performed by an inspector or inspectors authorized for this purpose by the Administrator and whenever practical, such appeal inspections shall be made by two inspectors.

§ 51.31 Appeal inspection certificate.

After an appeal inspection has been completed, an appeal inspection certificate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality described therein. The inspector or inspectors issuing an appeal inspection certificate shall sign the certificate and forward notice of such issuance to such persons as considered necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates and issuance of certificates, shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who receive copies of the superseded certificate.

LICENSING OF INSPECTORS

§ 51.32 Who may be licensed.

Persons who are employed by a cooperative Federal-State Inspection Agency and possess adequate qualifications, as determined by such examinations as the Administrator may consider to be appropriate, may be licensed as inspectors of products which may be inspected under the regulations in this part. Such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. A licensed inspector shall perform his duties pursuant to the regulations in this subpart as directed by the Administrator.

§ 51.33 Application to become a licensed inspector.

Application to become a licensed inspector shall be made to the Administrator on forms furnished for that purpose. Each such application shall be filled in and signed by the applicant in his own handwriting, and the application shall contain or be accompanied by:

(a) A statement of present address, age, height, and weight of the applicant;

(b) A statement showing education and present and previous occupations, together with names of all employers for whom he has worked with periods of service, during the last 5 years previous to the date of his application;

(c) A statement by the applicant that he agrees to comply with all terms and conditions of the regulations in this part relating to the duties of inspectors; and

(d) Such other information as may be required by the Administrator.

§ 51.34 Suspension or revocation of license of a licensed inspector.

Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed inspector issued pursuant to the regulations in this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 10 days after the receipt of the aforesaid notice and statement of the reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

§ 51.35 Surrender of license.

Upon termination of his services as a licensed inspector, or suspension or revocation of his license, a licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in case of an expired license.

§ 51.36 Expiration and renewal of license.

An inspector's license issued pursuant to the regulations in this part shall expire on June 30 of each year following the date of issuance. The license of an inspector may be renewed by the issuance of a new license and the renewal shall subject the inspector to the terms and conditions of the regulations in this part.

SCHEDULE OF FEES AND CHARGES AT DESTINATION MARKETS

§ 51.37 Amount of fees, rates, and charges.

For each lot of products inspected, a fee and expenses, determined in accordance with §§ 51.38 to 51.40 shall be paid by the applicant.

§ 51.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans and other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) $15.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $12.00 for each half carlot equivalent or less of an individual product.

(iii) $30.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $12.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $10.00 for each half carlot equivalent or less of an individual product.

(iii) $24.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 60 cents per ton: *Provided*, That the minimum fee shall be $12 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' stock peanuts (unshelled) shall be $1.65 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $6 per hour.

(d) Not withstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required,[4] the following rates may be applied:

1 to 25 packages inclusive	$3.25
26 to 50 packages inclusive	4.25
51 to 150 packages inclusive	6.00
151 to ½ customary carlot equivalent	9.00

(e) Whenever inspections are performed at the request of the applicant on Saturdays, Sundays, holidays or at any other periods which are outside the inspector's regular scheduled workweek, the charge for inspection service shall be $3 per hour or portion thereof per inspector in addition to the regular commercial lot or hourly fees specified in this subpart.

§ 51.39 Fees for appeal inspections.

The fee to be charged for appeal inspections on all products shall be at the same rate as those set forth in this part except that when it is found that there was a material error in the determination based upon the original inspection, no fee will be charged, and except that appeal inspection for Government agencies shall be on the hourly basis prescribed in this part, plus traveling and other expenses authorized to be charged by the provisions in this part.

§ 51.40 Traveling and other expenses.

Costs including travel incurred by the Consumer and Marketing Service in providing inspection service at a place where no inspector is located or costs in appeal inspections requiring a second inspector may be charged to the applicant. These charges shall be included with the fee for inspection on the bill furnished the applicant.

§ 51.41 Fees for additional copies of inspection certificates.

Additional copies of any inspection certificate other than those provided for in § 51.21, may be supplied to any interested party upon payment of a fee of $2.25 for each set of five, or less, copies.

§ 51.42 Charges for inspection services on a contract basis.

Irrespective of fees and charges prescribed in the foregoing sections, the Administrator may enter into contracts with applicants to perform inspection services pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection services provided for in such contracts shall be on such basis as will reimburse the Consumer and Marketing Service of the Department for the full cost of conducting such inspection service, including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses, as may be determined by the Administrator.

§ 51.43 How fees shall be paid.

Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the billing office, and in advance, if required by the inspector.

§ 51.44 Disposition of fees.

(a) The fees collected for services rendered shall be disposed of as follows:

(1) Fees for inspections made by inspectors acting exclusively for the Consumer and Marketing Service shall be remitted promptly to the Consumer and Marketing Service.

(2) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organization shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State or other cooperating bodies as may be due the United States shall be remitted to the Consumer and Marketing Service.

(b) Fees and charges collected pursuant to §§ 51.40 to 51.41 shall be remitted to the Consumer and Marketing Service.

(c) Fees and charges collected pursuant to § 51.42 shall be disposed of in accordance with the terms of the contract.

[3] Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

[4] For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

SCHEDULE OF FEES AND CHARGES AT SHIPPING POINT AREAS

§ 51.45 Fees and charges at shipping point areas.

Fees for inspection performed under cooperative agreements pursuant to authority contained in any Act of Congress shall be those provided by such agreements.

MISCELLANEOUS

§ 51.46 Denial of inspection service.

Any or all benefits of the act may be denied any person for any of the following reasons: (a) Any willful misrepresentation or deceptive or fraudulent practice made or committed by any person in connection with the making or filing of an application for inspection service; (b) any fradulent or unauthorized use, alteration, or imitation of any certificate issued pursuant to the regulations in this subpart; (c) any interference with or obstruction of any inspector or official sampler in the performance of his duties, by intimidation, threat, assault or any other improper means; or (d) any willful violation of the regulations in this subpart may be deemed sufficient cause for debarring the person found guilty thereof from any or all benefits of the acts, after notice and opportunity for hearing has been accorded him. The rules of practice governing withdrawal of Inspection and Grading Services, Part 50 of this chapter, shall govern the proceedings pursuant to this section.

§ 51.47 Political activity.

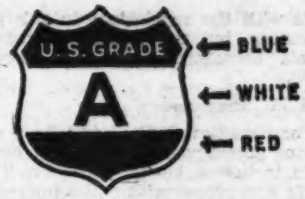
All inspectors are forbidden, during the period of their respective appointments or while holding a valid inspectors' license to take an active part in political campaigns and a violation by a licensee shall constitute grounds for revocation of his license. All Federal employees are subject to the applicable provisions of the Department's administrative regulations relating to political activity.

§ 51.48 Inspector's identification.

Each inspector shall have in his possession at all times, and pursuant upon request, while on duty, the means of identification furnished by the Department to such person.

§ 51.49 Approved identifications.

(a) *Grade marks.* The approved shield mark with the appropriate U.S. grade designation may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection as provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product has been certified by an inspector as meeting the requirements of U.S. Grade A, U.S. Grade No. 1, or a higher U.S. grade as shown within the shield. The shields with approved grade designation for use shall be similar in form and design to the examples in figures 1 and 2 of this section.



Shield using red, white and blue background.

FIGURE 1.

Shields with plain background.

FIGURE 2.

(b) *Inspection legends.* The approved continuous inspection legends may be used on containers, labels or otherwise indicated on the package when: (1) The product has been packed under continuous inspection provided by the Inspection Service, (2) the plant in which the product is packed is maintained under good commercial sanitary practices, and (3) the product meets the requirements of such quality, grade, or specification as may be approved by the Administrator. The continuous inspection legends approved for use shall be similar in form and design to the examples in figures 3 and 4.

PACKED UNDER CONTINUOUS INSPECTION OF THE U. S. DEPT. OF AGRICULTURE

FIGURE 3.

PACKED BY

.....

.....

UNDER CONTINUOUS FEDERAL-STATE INSPECTION

FIGURE 4.

(c) *Combined grade and inspection legends.* The grade marks set forth in paragraph (a) of this section and illustrated by figures 1 and 2 of this section and the inspection legends set forth in paragraph (b) of this section and illustrated by figures 3 and 4 of paragraph (b) of this section may be combined into a consolidated grade and inspection legend for use on products which meet the requirements of both of these paragraphs. See figure 5.

PACKED BY

.....

.....

UNDER CONTINUOUS FEDERAL-STATE INSPECTION

FIGURE 5.

(d) *Other identification marks.* Products may be inspected on a lot inspection basis as provided in this part and identified by an official inspection mark similar in form and design to figure 6 of this paragraph. The use of this mark or other comparable identification marks may be required by the Administrator whenever he determines that such identification is necessary in order to maintain the identity of lots which have been inspected and certified.

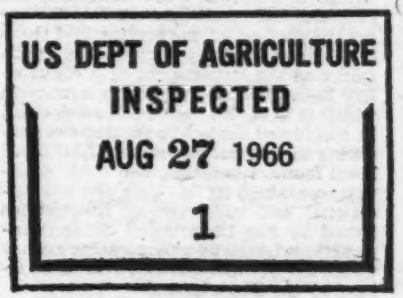


FIGURE 6.

§ 51.50 Custody of official inspection marking devices.

All official inspection marking devices as shown in figure 6 of § 51.49 shall be kept in the custody of the Consumer and Marketing Service and accurate records shall be kept of these devices. Each inspection office shall keep a record of the devices assigned to it. Such devices shall be distributed only to authorized

employees of the Department who shall keep the devices in their official possession or control at all times and keep complete records of such devices.

§ 51.51 Prohibited uses of approved identification.

No label or advertising material used on, or in conjunction with any product, shall bear a brand name, trademark, product name or any other descriptive material that incorporates, resembles, simulates, or alludes to any official U.S. Department of Agriculture grade mark, grade statement, continuous inspection legend, sampling mark or sampling statement, or combination of one or more thereof.

§ 51.52 Licensing and identification of certain official devices.

The Administrator may issue licenses permitting the manufacture, identification, distribution, and sale of any official device designated as a USDA color standard, defect guide or other similar aid under such terms and conditions as may be specified by the Administrator. Licenses shall be available to all persons meeting conditions prescribed by the Administrator, shall be nonexclusive, and shall be revocable for cause. No person shall manufacture, identify, distribute or sell any such official device except at the direction of or under license from the Administrator. Such official devices may be marked, tagged or otherwise designated with the prefix "USDA" together with other identifying words or symbols, as prescribed by the license.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASIS

§ 51.53 Continuous inspections.

Continuous inspection service which is associated with the use of the approved shield showing the U.S. grade, the approved continuous inspection legend, or both, on the container may be furnished whenever inspectors are available, the facilities and conditions are satisfactory for the conduct of the service, and there is a signed contract between the applicant and the Department or a cooperative Federal-State Inspection Agency in which it is agreed that such service will be conducted subject to regulations governing the inspection and certification of fresh fruits, vegetables, and other products, contained in this part and any additional and supplemental instructions issued by the Department or such instructions issued by a cooperating agency which are not inconsistent with those issued by the Department.

§ 51.54 Plant survey.

Prior to the inauguration of continuous Federal or Federal-State Inspection Service on a contract basis, the Administrator will make or cause to be made a survey and inspection where such service is to be performed to determine whether the premises, plant and facilities are suitable and adequate for the performance of such service in accordance with the regulations in this part, including, but not limited to requirements contained in §§ 51.54 through 51.59.

§ 51.55 Premises.

The premises shall be free from conditions objectionable to packing operations, including, but not limited to litter, waste and refuse within the immediate vicinity of the plant buildings, excessively dusty roads, yards or parking lots, and poorly drained areas.

§ 51.56 Buildings and structures.

The packing plant buildings shall be properly constructed and maintained in a sanitary condition, including, but not limited to the following requirements:

(a) There shall be sufficient light consistent with the use to which the particular portion of the building is devoted and to permit efficient cleaning. The grading belts and bins shall be provided with sufficient proper nonglaring light to insure adequacy of grading and inspection operations;

(b) If the product is washed there shall be ample supply of water of a safe and sanitary quality with adequate facilities for its distribution throughout the plant and washing machinery;

(c) There shall also be an efficient waste disposal and plumbing system maintained in good repair;

(d) Each room in which the product is graded or stored shall be designed and constructed as to insure operating conditions of a clean and orderly character and shall be maintained in a clean and sanitary manner; and,

(e) Every practical precaution shall be taken to exclude dogs, cats, rodents and other vermin from the rooms in which the products are to be graded or stored.

§ 51.57 Facilities.

Each packing plant shall be equipped with adequate sanitary facilities and accommodations, including but not being limited to the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size and conveniently located. Toilet rooms shall be adequately screened and equipped with self-closing doors, and shall have independent outside ventilation;

(b) Adequate lavatory accommodations and supplies shall be placed at such locations in or near toilet rooms as to insure the cleanliness of each person who grades or handles the product to be inspected; and

(c) Suitable facilities for cleaning shall be provided at convenient locations in the plant.

§ 51.58 Equipment.

All equipment used for receiving, washing, grading, packaging or storing shall be of such design, material and construction that it may be kept clean.

§ 51.59 Operations and operating procedures.

(a) The inspector shall refuse to permit the use of the official shield with grade mark or continuous inspection legend on packages if the produce is from a field or orchard having a disease or other condition which may not be apparent on individual specimens at packing time but which may cause the product to materially decrease in quality after packing.

(b) All products which are certified shall be subjected to continuous inspection throughout the packing operations.

(c) The inspectors are available for consultation purposes but shall not become involved in plant operations.

(d) The Inspection Service will not be responsible for damages occurring through any act of commission or omission on the part of its inspectors when engaged in rendering continuous inspection service; for packing errors or misbranding of products; or for failure to supply enough inspectors during any period of service provided under the contract.

(e) The applicant for continuous inspection shall:

(1) Conform to all applicable regulations under which the continuous inspection service is conducted.

(2) Use only raw material which has been handled or stored under conditions which insures its suitability for packing; maintain the plant designated herein in such sanitary condition and to employ such methods of handling raw materials for packing as may be necessary to conform to the sanitary requirements prescribed in this part.

(3) Not permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to continuous inspection to be used on any product not packed under this continuous inspection service; or permit any of his marks or labels or buyers' and distributors' marks or labels applied by him on which reference is made to any U.S. Grade to be used on any product which does not meet the requirements of such grade; or to supply labels bearing reference to continuous inspection service to another plant unless the products to which such labels are to be applied have been packed under continuous inspection.

(4) Furnish any reports of packaging and output of products inspected, as may be requested by the inspection agencies.

(5) Make available to inspectors adequate office space in the designated plant and furnish suitable desks and office equipment for the proper care of inspection records.

(6) Make his laboratory or other facilities and necessary equipment available for the use of inspectors in making inspection of samples.

(7) Furnish if required, such stenographic and clerical assistance as may be necessary in the typing of certificates and reports and the handling of official correspondence, as well as the labor incident to drawing of samples and facilitating adequate inspection procedure when necessary.

(8) Submit to the Consumer and Marketing Service, through the inspector

assigned to the plant or other representative of the Inspection Service for approval prior to use, copies or proof of each packer's or distributor's label bearing or referring in any manner to official identification of the designated packaged products hereunder.

(9) Not make deceptive, fraudulent, or unauthorized use in his advertising, or otherwise, of the continuous inspection service, the inspection certificates or reports issued, or the containers on which the shield of the Department is identified, in connection with the sale of any of the packaged products; and to submit to the Consumer and Marketing Service through the inspector assigned to the plant or other representative of the Inspection Service, for approval to use any proposed advertising in which reference is made to the Inspection Service.

§ 51.60 Termination of contracts.

In case the applicant wishes to terminate the contract he agrees either to continue the service until all unused containers, labels and advertising material on hand or in the possession of his supplier bearing the Department shield, or reference to continuous inspection service have been used, or to destroy such containers, labels and advertising material, or to obliterate the Department shield and all other reference to the continuous inspection service on said containers, labels, and advertising material, or otherwise furnish assurance satisfactory to the Consumer and Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of this agreement. In case the continuous inspection service is terminated for cause by the Consumer and Marketing Service, the applicant agrees to destroy all unused containers, labels and advertising material on hand bearing the Department shield, or reference to continuous inspection service, or to obliterate the Department shield, and all reference to the continuous inspection service on said containers, labels and advertising material or otherwise furnish assurance satisfactory to the Consumer and Marketing Service that such containers, labels and advertising material will not be used in violation of the terms and conditions of the agreement.

§ 51.61 Congressional interest in contracts.

No member of, or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of any contract provided for in the regulations in this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not extend to any benefits that may accrue from the contract to a member of, or delegate to Congress, or a Resident Commissioner in his capacity as a farmer.

The Regulations Governing the Inspection, Certification, and Standardization of Fresh Fruits, Vegetables and other Products contained in this subpart shall become effective December 1, 1967.

Dated: October 24, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-12760; Filed, Oct. 31, 1967; 8:45 a.m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Pecans in the Shell [1]

On September 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 12799) regarding a proposed revision of the U.S. Standards for Grades of Pecans in the Shell (7 CFR 51.1400–51.1418).

Statement of considerations leading to the revision of the grade standards. Several communications have been received relative to the revised standards since their publication under notice of proposed rule making. A number of recommendations for changes were made by the industry.

In the light of the available information and the recommendations and comments from the industry, it is determined that some adjustments are needed in the proposed revised standards. The provisions of the standards as published herein are the same as proposed, except for the following changes:

In § 51.1403, the counts of the numbers of pecans per pound in the four size classifications are increased by approximately 5 percent. For example, the requirement for "Extra Large" size has been 53 to 60 nuts per pound, and is now 56 to 63 nuts per pound. These changes are made because of the gradual slight decrease in recent years of the average weight of individual nuts of a given diameter.

In § 51.1405 *Tolerances,* paragraph (a) (2) (U.S. No. 1 kernel defects) has been rearranged and reworded for clarification. Also, that portion of the total tolerance which may be applied to defective kernels of all classes is increased from 10 to 12 percent. This change has been made as a result of convincing evidence that the proposed 10-percent limitation on defects other than damage by skin discloration was unreasonably restrictive.

In order to balance the increase from 10 to 12 percent permitted for general kernel defects, the separate tolerance for skin color defects is reduced from 10 to 8 percent. This tolerance applies only to kernels which are one color classification darker than the specified minimum skin color but which otherwise are of U.S. No. 1 quality.

Paragraph (b) (2) of § 51.1405 is changed in two respects to make the tolerances for kernel defects in the U.S. Commercial grade more restrictive. The total tolerance for kernel defects is reduced from 35 to 30 percent. Also a provision is added which restricts to 6 percent the number of defective kernels of the so-called "inedible" class which may be permitted within the 10 percent tolerance for "serious defects." These changes were requested by the industry in order to reflect a trade demand for a somewhat higher minimum quality requirement in the Commercial grade.

The "Small" size classification, inadvertently omitted from the published proposal, is added, and reflects the count adjustment.

All other provisions of the revision of the standards as published on September 7, 1967 remain unchanged.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Pecans in the Shell are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1921–1627).

GRADES

Sec.
51.1400 U.S. No. 1.
51.1401 U.S. Commercial.

UNCLASSIFIED

51.1402 Unclassified.

SIZE CLASSIFICATION

51.1403 Size classification.

KERNEL COLOR CLASSIFICATION

51.1404 Kernel color classification.

TOLERANCES

51.1405 Tolerances.

APPLICATION OF STANDARDS

51.1406 Application of standards.

DEFINITIONS

51.1407 Fairly uniform in color.
51.1408 Loose extraneous or foreign material.
51.1409 Well developed.
51.1410 Fairly well developed.
51.1411 Poorly developed.
51.1412 Well cured.
51.1413 Light color.
51.1414 Light amber color.
51.1415 Amber color.
51.1416 Dark amber color.
51.1417 Damage.
51.1418 Serious damage.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended; 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.1400 U.S. No. 1.

"U.S. No. 1" consists of pecans in the shell which meet the following requirements:

(a) Free from loose extraneous or foreign material

(b) Shells are:

(1) Fairly uniform in color; and,

(2) Free from damage by any cause.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(c) Kernels are:

(1) Free from damage by any cause.

(d) Comply with tolerances in § 51.1405.

§ 51.1401 U.S. Commercial.

The requirements for this grade are the same as for U.S. No. 1 except for:

(a) No requirement for uniformity of color of shells; and,

(b) Increased tolerances for defects (see § 51.1405).

UNCLASSIFIED

§ 51.1402 Unclassified.

"Unclassified" consists of pecans in the shell which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

SIZE CLASSIFICATION

§ 51.1403 Size classification.

Size of pecans may be specified in connection with the grade in accordance with one of the following classifications. To meet the requirements for any one of these classifications, the lot must conform to both the specified number of nuts per pound and the weight of the 10 smallest nuts per 100-nut sample:

Size classification	Number of nuts per pound	Minimum weight of the 10 smallest nuts in a 100-nut sample
Oversize	55 or less	In each classification, the 10 smallest nuts per 100 must weigh at least 7 percent of the total weight of the 100-nut sample.
Extra large	56 to 63	
Large	64 to 77	
Medium	78 to 95	
Small	96 to 120	

KERNEL COLOR CLASSIFICATION

§ 51.1404 Kernel color classification.

(a) Color of a lot of pecans having kernels generally lighter than "amber color" may be specified in connection with the U.S. No. 1 grade in terms of one of the classifications as follows:

(1) Light color; or,

(2) Light amber color.

(b) For tolerances see § 51.1405.

TOLERANCES

§ 51.1405 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(a) *U.S. No. 1*—(1) *For shell defects, by count.* (i) 5 percent for pecans with damaged shells, including therein not more than 2 percent for shells which are seriously damaged.

(2) *For kernel defects, by count.* (i) 12 percent for pecans with kernels which fail to meet the requirements for the grade or for any specified color classification, including therein not more than 5 percent for kernels which are seriously damaged by any cause.

(ii) In addition, 8 percent for kernels which fail to meet the color requirements for the grade or for any specified color classification, but which are not seriously damaged by dark discoloration of the skin: *Provided,* That these kernels meet the requirements for the grade other than for skin color.

(3) *For loose extraneous or foreign material, by weight.* (i) 0.5 percent (one-half of 1 percent).

(b) *U.S. Commercial*—(1) *For shell defects, by count.* (i) 10 percent for pecans with damaged shells, including therein not more than 3 percent for shells which are seriously damaged.

(2) *For kernel defects, by count.* (i) 30 percent for pecans with kernels which fail to meet the requirements of the U.S. No. 1 grade, including therein not more than 10 percent for pecans with kernels which are seriously damaged: *Provided,* That not more than six-tenths of this amount, or 6 percent, shall be allowed for kernels which are rancid, moldy, decayed or injured by insects.

(3) *For loose extraneous or foreign material, by weight.* (i) 0.5 percent (one-half of 1 percent).

APPLICATION OF STANDARDS

§ 51.1406 Application of standards.

The grade of a lot of pecans shall be determined on the basis of a composite sample drawn at random from containers in various locations in the lot. However, any identifiable containers in which the pecans are obviously of a quality or size materially different from that in the majority of containers, shall be considered as a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.1407 Fairly uniform in color.

"Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot.

§ 51.1408 Loose extraneous or foreign material.

"Loose extraneous or foreign material" means loose hulls, empty broken shells, or any substance other than pecans in the shell or pecan kernels.

§ 51.1409 Well developed.

"Well developed" means that the kernel has a large amount of meat in proportion to its width and length. (See Fig. 1.)

§ 51.1410 Fairly well developed.

"Fairly well developed" means that the kernel has at least a moderate amount of meat in proportion to its width and length. Shriveling and hollowness shall be considered only to the extent that they have reduced the meatiness of the kernel. (See Fig. 1.)

§ 51.1411 Poorly developed.

"Poorly developed" means that the kernel has a small amount of meat in proportion to its width and length. (See Fig. 1.)

§ 51.1412 Well cured.

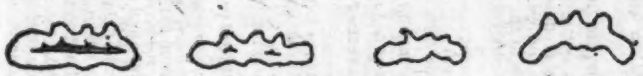
"Well cured" means that the kernel separates freely from the shell, breaks cleanly when bent, without splintering, shattering, or loosening the skin; and the kernel appears to be in good shipping or storage condition as to moisture content.

§ 51.1413 Light color.

"Light color" means that the skin of the outer surface of the kernel is mostly golden color, or lighter, with not more than 25 percent of the outer surface darker than golden, and none of that 25 percent area darker than light brown.

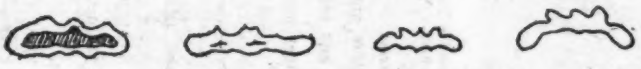
Figure 1

CROSS SECTION ILLUSTRATION



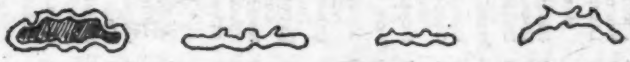
1. WELL DEVELOPED

Lower limit. Kernels having less meat content than these are not considered well developed.



2. FAIRLY WELL DEVELOPED

Lower limit for U. S. No. 1 grade. Kernels having less meat content than these are not considered fairly well developed and are classed as damaged.



3. POORLY DEVELOPED

Lower limit, damaged but not seriously damaged. Kernels having less meat content than these are considered undeveloped and are classed as seriously damaged.

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§ 51.1414 Light amber color.

"Light amber color" means that more than 25 percent of the skin of the outer surface of the kernel is light brown, with not more than 25 percent of the outer surface darker than light brown, and none of that 25 percent area darker than medium brown.

§ 51.1415 Amber color.

"Amber color" means that more than 25 percent of the skin of the outer surface of the kernel is medium brown, with not more than 25 percent of the outer surface darker than medium brown, and none of that 25 percent area darker than dark brown.

§ 51.1416 Dark amber color.

"Dark amber color" means that more than 25 percent of the skin of the outer surface of the kernel is dark brown, with not more than 25 percent of the outer surface very dark or blackish-brown (dark discoloration).

§ 51.1417 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual pecan or the general appearance of the pecans in the lot. The following defects shall be considered as damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 5 percent of the surface of the individual shell;

(b) Split or cracked shells when the shell is spread apart or will spread upon application of slight pressure;

(c) Broken shells when any portion of the shell is missing;

(d) Kernels which are not well cured;

(e) Poorly developed kernels;

(f) Kernels which are dark amber in color;

(g) Kernel spots when more than one dark spot is present on either half of the kernel, or when any such spot is more than one-eighth inch in greatest dimension;

(h) Adhering material from the inside of the shell when firmly attached to more than one-third of the outer surface of the kernel and contrasting in color with the skin of the kernel; and,

(i) Internal flesh discoloration of a medium shade of gray or brown extending more than one-fourth inch lengthwise beneath the center ridge, or an equally objectionable amount in other portions of the kernel; or lesser areas of dark discoloration affecting the appearance to an equal or greater extent.

§ 51.1418 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual pecan. The following defects shall be considered as a serious damage:

(a) Adhering hull material or dark stains affecting an aggregate of more than 20 percent of the surface of the individual shell;

(b) Broken shells when the missing portion of shell is greater in area than a circle one-fourth inch in diameter;

(c) Worm holes when penetrating the shell;

(d) Rancidity when the kernel is distinctly rancid to the taste. Staleness of flavor shall not be classed as rancidity;

(e) Mold, on the surface or inside the kernel, which is plainly visible without magnification;

(f) Decay affecting any portion of the kernel;

(g) Insect injury when the insect, web or frass is present inside the shell, or the kernel shows distinct evidence of insect feeding;

(h) Kernel spots when more than three dark spots are on either half of the kernel, or when any spot or the aggregate of two or more spots on one of the halves of the kernel affects more than 10 percent of the surface;

(i) Dark discoloration of the skin which is darker than dark amber over more than 25 percent of the outer surface of the kernel;

(j) Internal flesh discoloration of a dark shade extending more than one-third the length of the kernel beneath the ridge, or an equally objectionable amount of dark discoloration in other portions of the kernel; and,

(k) Undeveloped kernels having practically no food value, or which are blank (complete shell containing no kernel).

It is hereby found that good cause exists for not postponing the effective date of the revision beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that (1) the 1967 packing season for pecans is well under way and it is in the interest of the public and the industry that the

revision be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with this revision on the part of members of the pecan industry or of others.

Accordingly the U.S. Standards for Grades of Pecans in the Shell contained in this subpart shall become effective upon publication in the FEDERAL REGISTER, and will thereupon supersede the U.S. Standards for Pecans in the Shell which have been in effect since October 1, 1951 (7 CFR 51.1400–51.1416).

Dated: October 27, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-12844; Filed, Oct. 31, 1967; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 15]

PART 730—RICE

Subpart—Regulations for Determination of Acreage Allotments for 1964 and Subsequent Crops of Rice

APPLICATIONS FOR NEW GROWER RICE ALLOTMENTS WHEN NO STATE RESERVE IS ESTABLISHED FOR SUCH ALLOTMENTS

Basis and purpose. The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to provide that requests for new grower allotments shall not be accepted for any year for a State for which no State reserve is established for such allotments.

Since this amendment eliminates the need for accepting a request for an allotment for which no reserve has been established, it is found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary and this amendment shall become effective as provided herein.

1. Section 730.1518 is amended by adding at the end thereof a new paragraph (h) to read:

§ 730.1518 Determination of allotments for new producers.

* * * * *

(h) Notwithstanding the provisions of paragraphs (a) and (b) of this section, applications for new producer allotments shall not be accepted for any year for a State for which no State reserve is established for such allotments.

2. Section 730.1529 is amended by adding at the end thereof a new paragraph (j) to read:

§ 730.1529 Determination of allotments for new farms.

* * * * *

(j) Notwithstanding the provisions of paragraph (a) of this section, requests for new farm allotments shall not be accepted for any year for a State for which no State reserve is established for such allotments.

(Secs. 353, 375, 52 Stat. 61, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1353, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 27, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-12906; Filed, Oct. 31, 1967; 8:51 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 1]

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

Order Amending Order [1]

GENERAL DEFINITIONS

Sec.
1001.1 Act.
1001.2 Massachusetts-Rhode Island-New Hampshire marketing area.
1001.3 Route disposition.

DEFINITIONS OF PERSONS

1001.5 Person.
1001.6 Secretary.
1001.7 Producer.
1001.8 Cooperative association.
1001.9 Handler.
1001.10 Producer-handler.
1001.11 Dairy farmer for other markets.

DEFINITIONS OF PLANTS

1001.15 Plant.
1001.16 Pool plant.
1001.17 Exempt distributing plant.
1001.18 Distributing plant for unregulated markets.
1001.19 Regulated plant under another Federal order.

DEFINITIONS OF MILK AND MILK PRODUCTS

1001.22 Fluid milk products.
1001.23 Cream.
1001.24 Producer milk.
1001.25 Pool milk.
1001.26 Exempt milk.
1001.27 Diverted milk.

MARKET ADMINISTRATOR

1001.30 Designation.
1001.31 Powers.
1001.32 Duties.

POOL PLANT REQUIREMENTS

1001.35 Distributing plants.
1001.36 Cooperative association plants located in the marketing area.
1001.37 Supply plants.

REPORTS, RECORDS, AND FACILITIES

1001.40 Monthly reports of receipts and utilization.
1001.41 Other reports of receipts and utilization.
1001.42 Reports regarding individual producers and dairy farmers.
1001.43 Notices to producers.
1001.44 Records and facilities.
1001.45 Retention of records.

CLASSIFICATION

1001.47 Classification of milk and milk products—in general.
1001.48 Class I milk.
1001.49 Class II milk.
1001.50 Classification of fluid milk products moved to plants.
1001.51 Classification of inventories.

ASSIGNMENT OF RECEIPTS

1001.53 Assignment of receipts to classes—in general.
1001.54 Initial assignments to Class I milk.
1001.55 Initial assignments to Class II milk.
1001.56 Special assignments to classes.
1001.57 Additional assignments to Class I milk.
1001.58 Additional assignment to Class II milk.

MINIMUM PRICES

1001.60 Class I price.
1001.61 Class II price.
1001.62 Zone differentials.
1001.63 Determination of applicable zone locations for pricing purposes.
1001.64 Computation of value of fluid milk products at class prices.
1001.65 Basic blended price.
1001.66 Factors used in formulas.

PAYMENTS—GENERAL

1001.70 Payments to producers.
1001.71 Butterfat differential.
1001.72 Farm location differentials.
1001.73 Statements to producers.
1001.74 Adjustment of payments to producers.
1001.75 Marketing service deductions.
1001.76 Payments to cooperative associations.

PAYMENTS—PRODUCER SETTLEMENT FUND

1001.80 Producer settlement fund.
1001.81 Handlers' producer settlement fund debits and credits.
1001.82 Payments to and from the producer settlement fund.
1001.83 Adjustment of errors in producer settlement fund payments.
1001.84 Adjustment of overdue producer settlement fund accounts.

ADMINISTRATION EXPENSE

1001.87 Payment of administration expense.

MISCELLANEOUS PROVISIONS

1001.90 Effective time.
1001.91 Suspension or termination.
1001.92 Continuing obligations.
1001.93 Liquidation.
1001.94 Termination of obligations.
1001.95 Agents.
1001.96 Separability of provisions.

AUTHORITY: The provisions of this Part 1001 issued under secs. 1–19, 48 Stat. 31 as amended, 7 U.S.C. 601–674.

§ 1001.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified

[1] Order No. 1, as amended, expands the marketing area heretofore covered by said order and redesignates the expanded area as the Massachusetts-Rhode Island-New Hampshire Marketing Area.

and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to:

(i) All of the handler's receipts at pool plants during the month of fluid milk products from all sources, except receipts from pool plants, receipts from regulated plants under other Federal orders if such receipts were subject to an administration expense assessment under the other order, and receipts of exempt milk processed at plants other than pool plants;

(ii) All receipts and beginning inventory of a cooperative association in its capacity as a handler under § 1001.9(d) for the month less its disposition to pool plants and ending inventory for the month; and

(iii) The quantity of pool milk distributed as route disposition in the marketing area from a handler's nonpool plant.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the Massachusetts-Rhode Island order (Part 1001) shall be known as the Massachusetts-Rhode Island-New Hampshire order and the handling of milk in the Massachusetts-Rhode Island-New Hampshire marketing area shall be in conformity to and in compliance with the terms and conditions of Order No. 1, as amended and as hereby amended, as follows:

GENERAL DEFINITIONS

§ 1001.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1001.2 Massachusetts-Rhode Island-New Hampshire marketing area.

"Massachusetts-Rhode Island-New Hampshire marketing area," referred to in this part as the "marketing area," means all territory within the places listed below, all waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other establishment:

MASSACHUSETTS

COUNTIES

Barnstable.	Norfolk.
Bristol.	Plymouth.
Dukes.	Suffolk.
Essex.	

CITIES AND TOWNS

Agawam.	Littleton.
Arlington.	Longmeadow.
Ashland.	Lowell.
Auburn.	Ludlow.
Ayer.	Lunenburg.
Bedford.	Malden.
Belmont.	Marlborough.
Billerica.	Medford.
Blackstone.	Melrose.
Boylston.	Mendon.
Burlington.	Milford.
Cambridge.	Millbury.
Charlton.	Millville.
Chelmsford.	Natick.
Chicopee.	Newton.
Clinton.	Northampton.
Dracut.	Northborough.
Dudley.	North Reading.
Easthampton.	Oxford.
East Longmeadow.	Paxton.
Everett.	Princeton.
Fitchburg.	Reading.
Framingham.	Rutland.
Gardner.	Sherborn.
Grafton.	Shrewsbury.
Holden.	Somerville.
Holliston.	Southborough.
Holyoke.	Southbridge.
Hopedale.	South Hadley.
Hopkinton.	Spencer.
Lancaster.	Springfield.
Leicester.	Sterling.
Leominster.	Stoneham.
Lexington.	Sutton.

CITIES AND TOWNS—continued

Tewksbury.	Westfield.
Tyngsborough.	Westford.
Upton.	Westminster.
Wakefield.	Weston.
Waltham.	West Springfield.
Watertown.	Wilbraham.
Wayland.	Wilmington.
Webster.	Winchester.
Westborough.	Woburn.
West Boylston.	Worcester.

NEW HAMPSHIRE

COUNTIES

Belknap.	Rockingham.
Hillsboro.	Strafford.
Merrimack.	

CITIES AND TOWNS

Ashland.	Keene.
Bridgewater.	Marlborough.
Bristol.	Nelson.
Dublin.	Plymouth.
Harrisville.	Roxbury.
Holderness.	Sullivan.
Jaffrey.	

RHODE ISLAND

All cities and towns except New Shoreham (Block Island).

§ 1001.3 Route disposition.

"Route disposition" means distribution of Class I milk by a handler to retail or wholesale outlets, which include vending machines but do not include plants or distribution points. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing and packaging plant.

DEFINITIONS OF PERSONS

§ 1001.5 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1001.6 Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1001.7 Producer.

"Producer" means a dairy farmer who produces milk which is moved, other than

in packaged form, from his farm to a pool plant, or to any other plant as diverted milk. Notwithstanding what his status otherwise would be under any other Federal order, the term shall include a dairy farmer with respect to all milk caused to be moved from his farm to a pool plant under this order by a handler under another Federal order if any of the dairy farmer's milk so received is assigned to Class I milk under this order. However, the term shall not include:

(a) A producer-handler under any Federal order;

(b) A dairy farmer with respect to milk caused to be moved from his farm to a pool plant under this order by a handler under another Federal order if all of the dairy farmer's milk so received is assigned to Class II milk under this order and considered as a receipt from a producer under the provisions of the other Federal order notwithstanding what his status otherwise would be under this order;

(c) A dairy farmer for other markets;

(d) A dairy farmer who is a local or state government and has nonproducer status for the month under § 1001.26(c);

(e) A dairy farmer with respect to salvage product assigned under § 1001.55 (e); or

(f) A dairy farmer with respect to milk which a handler causes to be moved from the dairy farmer's farm to a regulated plant under another Federal order, if any of the milk is assigned to Class I milk under that order and all of the dairy farmer's milk so moved is considered as producer milk under the other order.

§ 1001.8 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales of, or marketing, milk or its products for its members.

§ 1001.9 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates any other plant, or a pool bulk tank unit as defined under another Federal order, from which fluid milk products are disposed of, directly or indirectly, in the marketing area;

(c) Any person who does not operate a plant but who engages in the business of receiving fluid milk products for resale and distributes to retail or wholesale outlets packaged fluid milk products received from any plant described in paragraph (a) or (b) of this section; or

(d) Any cooperative association with respect to the milk which is moved from farms of its members in tank trucks operated by or under contract to the association, and which is moved to pool plants, or as diverted milk to nonpool plants other than producer-handlers' plants, for the account of and at the direction of the association. The association shall be considered as the handler who received the milk from the dairy farmers. However, the cooperative association shall not be the handler with respect to the milk moved from any farm if the association and the operator of the pool plant to which milk from such farm is moved both submit a request in writing, on or before the due date for filing the monthly reports of receipts and utilization, that the operator of the pool plant be considered as the handler who received the milk from the dairy farmer, and the pool plant operator's request states that he is purchasing the milk from such farm on the basis of the farm bulk tank measurement readings and of the butterfat tests of samples of the milk taken from the farm bulk tank.

§ 1001.10 Producer-handler.

"Producer-handler" means any person who, during the month, is both a dairy farmer and a handler and who meets the conditions specified in each of the paragraphs of this section.

(a) He provides as his own enterprise and at his own risk the maintenance, care, and management of the dairy herd and other resources and facilities which he uses to produce milk, to process and package such milk at his own plant, and to distribute it as route disposition.

(b) His own route disposition constitutes the majority of the route disposition from his plant.

(c) The quantity of route disposition in the marketing area from his plant is greater than in any other Federal marketing area.

(d) He receives no fluid milk products except from his own production and pool plants under any New England Federal order. If his receipts from own production and the total route disposition from his plant each exceed 2,150 pounds per day for the month, his receipts from New England Federal order pool plants are not in excess of 2 percent of his receipts from own production. For the purposes of this paragraph, his receipts of fluid milk products shall include receipts from plants of other persons at all retail and wholesale outlets which are located in New England Federal marketing areas and which are operated by him, an affiliate, or any person who controls or is controlled by him.

§ 1001.11 Dairy farmer for other markets.

"Dairy farmer for other markets" means any dairy farmer described in this section. For the purposes of this section, the acts of any person who is an affiliate of, or who controls or is controlled by, a handler or dealer shall be considered as having been performed by the handler or dealer. Receipts from a "dairy farmer for other markets" shall be considered as receipts from the unregulated plant at which the greatest quantity of his milk was received in the most recent month.

(a) The term includes a dairy farmer with respect to milk which is purchased from him during the month by a dealer who operates a plant but does not operate a pool plant, if the milk is moved to a pool plant directly from the dairy farmer's farm. The term shall not apply to the dairy farmer, however, if all the nonpool milk purchased from him during the month by the same dealer is a receipt of producer milk under the provisions of another Federal order or will be such if the dairy farmer is a producer under this part.

(b) The term includes a dairy farmer with respect to milk which is purchased from him by a handler and moved to a pool plant or which is purchased from him by a cooperative association in its capacity as a handler under § 1001.9(d), if that handler caused milk from the same farm to be moved as nonpool milk to any plant during the same month. The term shall not apply to the dairy farmer, however, if all the nonpool milk is a receipt of producer milk under the provisions of another Federal order or will be such if the dairy farmer is a producer under this part.

(c) The term includes a dairy farmer with respect to milk which is received from him by a handler at a pool plant or which is purchased from him by a cooperative association in its capacity as a handler under § 1001.9(d) during any of the months of December through June, if the handler caused nonpool milk from the same farm to be received during any of the preceding months of July through November at a plant which is not a pool plant under any Federal order in the current month. The term shall not apply to the dairy farmer, however, if all the nonpool milk was a receipt of producer milk under the provisions of another Federal order or represented receipts from own production by a producer-handler under any Federal order.

DEFINITIONS OF PLANTS

§ 1001.15 Plant.

"Plant" means the land and buildings, together with their surroundings, facilities, and equipment, constituting a single operating unit or establishment which is operated exclusively by one or more persons engaged in the business of handling fluid milk products for resale or manufacture into milk products, and which is used for the handling or processing of milk or milk products. The term "plant" does not include:

(a) Distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants); or

(b) Bulk reload points (separate premises used for the transfer of milk en route from dairy farmers' farms to

a plant, at which premises facilities for washing and sanitizing cans or tank trucks are not maintained and used).

§ 1001.16 Pool plant.

"Pool plant" means any plant which meets the applicable conditions for pool plant status as a pool distributing plant, under § 1001.35; a cooperative association plant located in the marketing area, under § 1001.36; or a pool supply plant, under § 1001.37. However, if the market administrator determines that a specified proportion or quantity of the receipts from dairy farmers and of pool milk from other sources handled at a plant is not available for Class I use because there is in force an unconditional contract for the plant to supply fluid milk products for Class II use, the plant shall not be a pool plant for the month in which the market administrator notifies the handler of the determination and for any subsequent month in which the contract is in force for any part of the month.

§ 1001.17 Exempt distributing plant.

"Exempt distributing plant" means a plant, other than a pool supply plant or a regulated plant under another Federal order, which meets all the requirements for status as a pool distributing plant except that its route disposition in the marketing area in the month does not exceed 700 quarts on any day or a daily average of 300 quarts.

§ 1001.18 Distributing plant for unregulated markets.

"Distributing plant for unregulated markets" means a processing and packaging plant from which the route disposition outside any Federal marketing area amounts to more than 50 percent of its total receipts of fluid milk products during the month. The term shall not apply to a pool plant, an exempt distributing plant under any New England Federal order, a producer-handler's plant under any Federal order, or a regulated plant under another Federal order.

§ 1001.19 Regulated plant under another Federal order.

"Regulated plant under another Federal order" means a pool plant or any other plant at which all fluid milk products handled become subject to the classification and pricing provisions of another Federal order.

DEFINITIONS OF MILK AND MILK PRODUCTS

§ 1001.22 Fluid milk products.

"Fluid milk products" means milk, skimmed milk, flavored milk or skimmed milk, cultured skimmed milk, buttermilk, concentrated milk, any mixture of milk or skimmed milk and cream containing less than 10 percent butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat. The term includes these products in fluid, frozen, fortified, or reconstituted form but does not include sterilized products in hermetically sealed containers and such products as eggnog, yogurt, whey, ice cream mix, ice milk mix, milk shake base mix, and evaporated or condensed milk or skimmed milk, in either plain or sweetened form. Fluid milk products which have been placed in containers for disposition to retail or wholesale outlets are referred to in this part as packaged fluid milk products.

§ 1001.23 Cream.

"Cream" means that portion of milk, containing not less than 16 percent butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes soured cream, frozen cream, fortified cream, reconstituted cream, any mixture of milk or skimmed milk and cream containing 16 percent or more of butterfat, and 50 percent of the quantity by weight of any mixture of milk or skimmed milk and cream containing at least 10 percent but less than 16 percent butterfat.

§ 1001.24 Producer milk.

"Producer milk" means milk which the handler has received from producers. The quantity of milk received by a handler from producers shall include any milk of a producer which was not received at any plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month. Such milk shall be considered as having been received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month, except that in the case of a cooperative association in its capacity as a handler under § 1001.9(d), the milk shall be considered as having been received at a plant in the zone location of the pool plant, or pool plants within the same zone, to which the greatest aggregate quantity of the milk of the cooperative association in such capacity was moved during the current month or the most recent month.

§ 1001.25 Pool milk.

"Pool milk" means fluid milk products (other than exempt milk) received or disposed of as specified in this section:

(a) Receipts of producer milk;

(b) The following receipts of fluid milk products at pool plants (exclusive of receipts from other pool plants, producer-handlers under any Federal order, exempt distributing plants under any New England Federal order, and receipts from regulated plants under other Federal orders which are classified and priced under the other orders):

(1) Receipts at pool distributing plants from plants located outside the New England States and beyond zone 40;

(2) Receipts at pool plants, other than pool distributing plants, to the extent assigned to Class I milk under § 1001.55 (g), from plants located outside the New England States and beyond zone 40; and

(3) Receipts at pool plants, to the extent assigned to Class I milk under § 1001.55(h), from plants located within one of the New England States or in zone 40 or a nearer zone, exclusive of bulk fluid milk products from distributing plants for unregulated markets;

(c) Receipts of bulk fluid milk products at pool distributing plants, to the extent assigned to classes under § 1001.56 (b), from regulated plants under other Federal orders with individual-handler pools;

(d) Receipts of bulk fluid milk products at pool plants, other than pool distributing plants, to the extent assigned to Class I milk under § 1001.57(g), from regulated plants under other Federal orders with individual-handler pools;

(e) Route disposition in the marketing area from any processing and packaging plant (except a pool plant, a producer-handler's plant under any Federal order, an exempt distributing plant under any New England Federal order, or a regulated plant under another Federal order) to the extent of all such disposition in the month which is in excess of a daily average of 300 quarts or of 700 quarts on any day, whichever is greater. In determining the quantity of pool milk under this paragraph, the total quantity of route disposition in the marketing area from the plant first shall be reduced by the quantity of fluid milk products received at the plant during the month which is classified and priced as Class I milk or the equivalent thereof under any marketwide pool Federal order and which is not used to offset route disposition in any other Federal marketing area. The reduction shall be made first in any route disposition which is in excess of 700 quarts on any day; and

(f) Route disposition in the marketing area from a regulated plant under another Federal order of fluid milk products which are not both classified and priced under the other order, to the extent of all such disposition in the month which is in excess of 700 quarts on any day or of a daily average of 300 quarts, whichever is greater.

§ 1001.26 Exempt milk.

"Exempt milk" means:

(a) Milk received at a pool plant in bulk from a nonpool plant to be processed and packaged, for which an equivalent quantity of packaged fluid milk products is returned to the operator of the nonpool plant during the same month, if the receipts of bulk milk and return of packaged fluid milk products occur during an interval in which the facilities of the nonpool plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control;

(b) Packaged fluid milk products received at a pool plant from a nonpool plant in return for an equivalent quantity of bulk milk moved from a pool plant for processing and packaging during the same month, if the movement of bulk milk and receipt of packaged fluid milk products occur during an interval in which the facilities of the pool plant at which the milk is usually processed and

packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; and

(c) Milk received at a pool plant in bulk from the dairy farmer who produced it, to the extent of the quantity of any packaged fluid milk products returned to the dairy farmer, if:

(1) The dairy farmer is a State or local government which is not engaged in the route disposition of any of the returned products; and

(2) The dairy farmer has, by written notice to the market administrator and the receiving handler, elected nonproducer status for a period of not less than 12 months beginning with the month in which the election was made and continuing for each subsequent month until canceled in writing, and the election is in effect for the current month.

§ 1001.27 Diverted milk.

"Diverted milk" means milk, other than that excluded under § 1001.7 from being considered as received from a producer, which meets the following conditions:

(a) Milk which a handler in his capacity as the operator of a pool plant reports as having been moved from a dairy farmer's farm to the pool plant, but which he caused to be moved from the farm to another plant, if the handler specifically reports such movement to the other plant as a movement of diverted milk, and the conditions of subparagraph (1) or (2) of this paragraph have been met. Milk which is diverted milk under this paragraph shall be considered to have been received at the pool plant from which it was diverted, but for pricing purposes the differentials for the zone location specified in § 1001.63 shall be used.

(1) The handler caused milk from the farm to be moved to such pool plant, or to another of his pool plants which is no longer operated as a plant, on a majority of the delivery days, during the 12 months ending with the current month, on which the handler either caused milk to be moved from the farm as producer milk, or caused milk to be moved as producer milk from the farm in a tank truck.

(2) The handler caused the milk to be moved from the farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant during the month in accordance with the preceding provisions of this paragraph.

(b) Milk which a cooperative association in its capacity as a handler under § 1001.9(d) caused to be moved from a farm to a nonpool plant, if the cooperative association specifically reports the movement to such plant as a movement of diverted milk, and the conditions of subparagraph (1) or (2) of this paragraph have been met.

(1) The cooperative association caused milk from the farm to be moved to pool plants on a majority of the delivery days, during the 12 months ending with the current month, on which the cooperative association caused milk to be moved from the farm as producer milk.

(2) The cooperative association caused the milk to be moved from the farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted by the cooperative association during the month in accordance with the preceding provisions of this paragraph.

MARKET ADMINISTRATOR

§ 1001.30 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1001.31 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1001.32 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part. His duties shall include but not be limited to those specified in this section.

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, he shall execute and deliver to the Secretary a bond effective as of the date on which he enters upon his duties. The bond shall be conditioned upon the faithful performance of those duties and shall be in an amount and with surety thereon satisfactory to the Secretary.

(b) He shall employ and fix the compensation of any persons necessary to enable him to administer the terms and provisions of this part.

(c) He shall obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator.

(d) He shall pay from the funds provided by § 1001.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties except those expenses incurred under § 1001.75.

(e) He shall keep books and records to reflect clearly the transactions provided for in this part and, upon request by the Secretary, surrender them to any other person the Secretary may designate.

(f) He shall submit his books and records to examination by the Secretary and furnish any information and reports requested by the Secretary.

(g) He shall prepare and make available for the benefit of producers, handlers, and consumers, statistics and information concerning the operation of this part.

(h) He shall verify handlers' reports and payments to the extent necessary, by any appropriate means including audit of the handlers' records and, if made available, of the records of any other persons upon whose utilization the classification of butterfat and skim milk depends. If verification discloses that the original classification was incorrect, the market administrator shall make appropriate reclassification of the butterfat and skim milk.

(i) At his discretion and unless otherwise directed by the Secretary, he shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate) the name of any handler the value of whose fluid milk products is not included in the computation of the basic blended price because of failure to file reports under § 1001.40 or make payments under § 1001.82.

(j) He shall publicly announce (by posting in a conspicuous place in his office and by such other means as he deems appropriate):

(1) By the 25th day of the month, the Class I price for the following month, as computed under § 1001.60;

(2) By the 5th day of the month, the Class II price and the butterfat differential for the preceding month, as computed under §§ 1001.61 and 1001.71(b), respectively;

(3) By the 13th day of each month, the zone blended prices resulting from the adjustment of the basic blended price for the preceding month, as computed under § 1001.65, by the zone differentials contained in § 1001.62(d);

(4) Whenever required for purpose of assigning receipts from other Federal order plants under § 1001.56(b), his estimate of the utilization (to the nearest whole percentage) in each class during the month of butterfat and skim milk, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose; and

(5) By the 25th day of each January, the monthly base Class I percentage factors computed under § 1001.66(a).

(k) He shall place the sums deducted under § 1001.65(c) and retained under § 1001.80 in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such sums, or invest them in short-term U.S. Government securities.

POOL PLANT REQUIREMENTS

§ 1001.35 Distributing plants.

Each processing and packaging plant (other than a producer-handler's plant

under any Federal order or a regulated plant under another Federal order) shall be a pool distributing plant in any month in which it meets the conditions specified in this section.

(a) Its total Class I disposition in the month, or in either of the 2 preceding months, is not less than 40 percent of its total receipts of fluid milk products in the corresponding month.

(b) Its route disposition in the marketing area in the month:

(1) Is not less than 10 percent of its total receipts of fluid milk products;

(2) Exceeds its route disposition in any other Federal marketing area; and

(3) Exceeds 700 quarts on any day or a daily average of 300 quarts.

§ 1001.36 Cooperative association plants located in the marketing area.

Each plant which is located in the marketing area and which is operated by a cooperative association shall be a pool plant in any month in which its route disposition does not exceed 2 percent of its total receipts of fluid milk products.

§ 1001.37 Supply plants.

Each plant (other than a plant described in paragraph (e) of this section) shall be a pool supply plant in any month in which it meets the conditions specified in paragraph (a), and in paragraph (b), (c), or (d), of this section. For the purposes of this section, milk received at a plant from a cooperative association in its capacity as a handler under § 1001.9(d) shall be considered as received at that plant from dairy farmers' farms.

(a) It is a plant at which facilities are maintained and used for washing and sanitizing cans or tank trucks and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled, or to which milk is moved from dairy farmers' farms in tank trucks and is there transferred to stationary equipment or to other vehicles.

(b) For the month of July it is a plant from which at least 15 percent, and for any month of August through November it is a plant from which at least 25 percent of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk:

(1) To pool distributing plants; or

(2) To plants to which qualifying shipments may be made under any New England Federal order and a greater quantity of fluid milk products is shipped to pool distributing plants under this order than to the other plants.

(c) For any month of July through November, it is one of a group of plants which meets the conditions specified in this paragraph.

(1) The handler's written request for continuation of pool supply plant status, which the plant held under his operation in the preceding month, is received by the market administrator on or before the 16th day of the month.

(2) The plant does not qualify for pool plant status under another New England Federal order on the basis of shipments of fluid milk products which exceed those made to pool distributing plants under this order, and the group of plants, considered as a unit, meets the shipping requirements specified in paragraph (b) of this section.

(3) To qualify as a pool supply plant under this paragraph in November of any year, the plant, considered individually, shall have met the shipping requirements specified in paragraph (b) of this section in one of the months of July through October of that year.

(4) For the purposes of this paragraph, any supply plant operated by a cooperative association which is also a handler under § 1001.9(d) may be considered as one of a group of plants. In that event, the group's total receipts of milk from dairy farmer's farms shall be the total of such receipts by the association other than at any of its plants which is not one of the group; and the group's qualifying shipments shall consist of the qualifying shipments from the plants in the group plus the quantity of milk moved from farms of its members to other handlers' pool distributing plants by the association in its capacity as a handler under § 1001.9(d).

(d) For any month of December through June, it is a plant from which at least 15 percent of its total receipts of milk from dairy farmers' farms is shipped as fluid milk products, other than as diverted milk, to plants in accordance with paragraph (b) (1) or (2) of this section, or it is a plant which meets the requirements for automatic pool plant status specified in this paragraph. The automatic pool plant status of a plant shall be revoked for any month for which the market administrator has received the handler's written request for revocation on or before the 16th day of that month. In that event the plant shall not have automatic pool plant status in any subsequent month of the current December through June period.

(1) The plant was a pool supply plant in each of the preceding months of July through November; or

(2) The plant was a pool supply plant under one or another of the New England Federal orders in at least two of the preceding months of July through November and would have been such a plant in all other months in that period had it not been a pool plant under the New York-New Jersey Federal order, and a greater quantity of its receipts from dairy farmers' farms during the July through November period was pooled under this order than under any other New England Federal order.

(e) No plant shall be a pool supply plant in any month in which it is operated as:

(1) A pool distributing plant;

(2) The plant of a producer-handler under any Federal order;

(3) A regulated plant under another Federal order with a marketwide pool, including any plant which meets the requirements for pool supply plant status specified in § 1015.16(b) (3) or (5) of the Connecticut order; or

(4) A plant qualifying for pooling under a Federal order with individual-handler pools on the basis of its route disposition or on the basis of shipments of fluid milk products which exceed the shipments of fluid milk products qualifying the plant for pooling under this order.

REPORTS, RECORDS, AND FACILITIES

§ 1001.40 Monthly reports of receipts and utilization.

On or before the 8th day after the end of the month, or not later than the 10th day if the report is delivered in person to the office of the market administrator, each handler who operates a pool plant or any other plant from which there is route disposition in the marketing area, and each cooperative association in its capacity as a handler under § 1001.9(d), shall file a report for the month with the market administrator. The report for each such plant and for each such cooperative association in its capacity as a handler under § 1001.9(d) shall be in the detail and on forms prescribed by the market administrator and shall show the quantities of butterfat and of skim milk contained in:

(a) Receipts of milk and milk products in the form of:

(1) Producer milk (including the specific quantities of diverted milk and of receipts from the handler's own production);

(2) Pool milk other than producer milk;

(3) Fluid milk products and cream from all other plants;

(4) Milk from cooperative associations in their capacity as handlers under § 1001.9(d); and

(5) Fluid milk products and cream from all other sources (including the quantities of fluid milk products or cream reconstituted from other milk products and the quantities of other milk products used to fortify fluid milk products or cream);

(b) Inventories of fluid milk products and cream at the beginning and at the end of the month; and

(c) The respective quantities of fluid milk products and cream sold, distributed, used, or otherwise disposed of, classified in accordance with the provisions of §§ 1001.47 through 1001.51.

§ 1001.41 Other reports of receipts and utilization.

(a) Within 5 days after the first receipt at his pool plant of fluid milk products during the month from each plant which is neither a pool plant nor a producer-handler's plant under any New England Federal order, each handler shall file with the market administrator a report showing the identity of the operator of the shipping plant, the plant location, the quantities of bulk and packaged fluid milk products received, and such other information respecting the receipt as the market administrator may prescribe.

(b) For any month in which it is claimed that the farm of any dairy farmer from whom he received milk is

located in a farm location differential area described in § 1001.72, each handler from whose plant pool milk other than producer milk is moved to a pool plant and each handler with route disposition of pool milk in the marketing area from a nonpool plant shall file with the market administrator a report showing the name, post office address, and farm location of each dairy farmer from whom he received milk at the plant during the month, and the total pounds of milk received from each farm. The report shall be submitted within 10 days after the market administrator's request, made not earlier than the 20th day after the end of the month.

(c) Each handler who is not required to file monthly reports of receipts and utilization under § 1001.40 shall file with the market administrator reports relating to his receipts and utilization of milk and milk products at the time and in the manner prescribed by the market administrator.

§ 1001.42 Reports regarding individual producers and dairy farmers.

(a) Within 20 days after a handler begins or resumes receiving milk at his pool plant from a producer's farm or begins receiving milk by tank truck at his pool plant from a producer's farm, or a cooperative association in its capacity as a handler under § 1001.9(d) begins receiving milk from a producer's farm, the handler shall file with the market administrator a report showing the applicable date and the producer's name, post office address, and farm location. The report shall indicate, if known, the plant at which, or the cooperative association in its capacity as a handler under § 1001.9 (d) by which, the producer's milk was being received prior to the beginning or resumption of receipts from the farm by the handler.

(b) Within 15 days after the 5th consecutive day on which a handler fails to receive milk at his pool plant from a producer's farm or a cooperative association in its capacity as a handler under § 1001.9(d) fails to receive milk from a producer's farm, the handler shall file with the market administrator a report showing the last date on which he received milk from the farm and the producer's name, post office address, and farm location. The report shall indicate, if known, the reason why the handler is no longer receiving milk from the farm.

(c) With respect to a producer who moves from one farm to another the handler shall file reports as required under paragraphs (a) and (b) of this section, respectively, relative to the farm to which the producer moves and the farm from which he moves.

(d) Each handler who is not a cooperative association, upon request from any such association, shall furnish it with information with respect to each of its producer members from whose farm the handler begins, resumes, or stops receiving milk at his pool plant. Such information shall include the applicable date, the producer member's post office address and farm location, and, if known, the plant at which his milk was previously received, or the reason for the handler's failure to continue receiving milk from his farm. In lieu of providing the information directly to the association, the handler may authorize the market administrator to furnish the association with such information, derived from the handler's reports and records.

§ 1001.43 Notices to producers.

Each handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he received milk from the producer, the handler shall give the producer written notice of the daily quantity so received; and

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

§ 1001.44 Records and facilities.

(a) Each handler shall maintain detailed and summary records showing the quantities of butterfat and of skim milk and the total thereof contained in all receipts, movements, and disposition of milk and milk products during each month, and inventories of milk and milk products at the beginning and end of the month.

(b) For the purpose of ascertaining the correctness of any report made to the market administrator as required by this part, or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in the reports submitted in accordance with this part;

(2) Verify the payments to producers, including any deductions, and the disbursement of money so deducted;

(3) Weigh, sample, and test milk and milk products; and

(4) Make whatever examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this section.

(c) Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for the month, which shall show for each producer:

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, with the prices, deductions, and charges involved.

§ 1001.45 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which the books and records pertain. If, within the 3-year period, the market administrator notifies the handler in writing that the retention of the books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain the books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1001.47 Classification of milk and milk products—in general.

All butterfat and skim milk in milk and milk products required to be reported under § 1001.40 shall be classified as Class I milk or Class II milk under §§ 1001.48 through 1001.51.

§ 1001.48 Class I milk.

Subject to the provisions of §§ 1001.50 and 1001.51, Class I milk shall be all butterfat and skim milk (including that used to produce concentrated milk):

(a) Disposed of in the form of fluid milk products other than as specified in § 1001.49; or

(b) Not established as Class II milk under § 1001.49.

§ 1001.49 Class II milk.

Subject to the provisions of §§ 1001.50 and 1001.51, Class II milk shall be all butterfat and skim milk for which the handler who first receives the butterfat and skim milk proves that the butterfat and skim milk were:

(a) Disposed of, or in inventory at the end of the month, in the form of cream;

(b) Used to produce milk products other than fluid milk products or cream;

(c) Disposed of in fluid milk products for livestock feed, or disposed of in bulk fluid milk products to manufacturing establishments such as bakeries, candy factories, soup factories, and similar establishments at which the fluid milk products were used in the manufacture of food products other than milk products;

(d) Contained in fluid milk products in inventory at the end of the month to the extent not classified as Class I milk under § 1001.51;

(e) Contained in fluid milk products dumped or discarded;

(f) Contained in fluid milk products destroyed or lost under extraordinary circumstances; and

(g) In shrinkage not in excess of 2 percent of the respective quantities of butterfat and of skim milk contained in receipts of fluid milk products and cream, exclusive of diverted milk and inventory at the beginning of the month. The shrinkage on the milk of a cooperative association in its capacity as a handler

under § 1001.9(d) which is received at a pool plant shall be classified as Class II milk up to the entire 2 percent maximum rate if the operator of the pool plant notifies the market administrator in writing, on or before the date on which its receipt is required to be reported under § 1001.40, that he has agreed to purchase the milk on the basis of farm bulk tank measurement readings and of the butterfat tests of samples of the milk taken from the farm bulk tank; otherwise the shrinkage on such receipts at a pool plant shall be classified as Class II milk only up to 1½ percent thereof and shrinkage of up to one-half of 1 percent on the milk so moved shall be classified as Class II milk to the cooperative association in its capacity as a handler under § 1001.9(d).

§ 1001.50 Classification of fluid milk products moved to plants.

Butterfat and skim milk in fluid milk products moved from a pool plant to any other plant, or by a cooperative association in its capacity as a handler under § 1001.9(d) to any plant, shall be classified as follows:

(a) As Class I milk if moved as packaged fluid milk products to any other plant;

(b) As Class I milk if moved from a pool plant to the plant of a producer-handler under any Federal order;

(c) In the class to which assigned under § 1001.57 if moved as bulk fluid milk products to any pool plant;

(d) In the class to which assigned under the other order if moved as bulk fluid milk products to a regulated plant under another Federal order;

(e) As Class I milk, to the extent of the total quantity of the same form of fluid milk products so moved which is utilized as Class I milk at the plant to which transferred, if moved as bulk fluid milk products to any plant other than a plant to which movements of bulk fluid milk products are subject to classification under the preceding paragraphs of this section, and as Class II milk to the extent of any remainder; and

(f) As Class I milk if moved as bulk fluid milk products to any plant other than a pool plant or a regulated plant under another Federal order and thence to another plant, not regulated under a Federal order, located outside the New England States and New York State.

§ 1001.51 Classification of inventories.

All butterfat and skim milk contained in inventories of fluid milk products at the end of each month shall be classified as Class I milk pending final disposition of the fluid milk products, if the handler requests such classification and either receives no milk from producers or does not claim classification as Class II milk of any fluid milk products.

ASSIGNMENT OF RECEIPTS

§ 1001.53 Assignment of receipts to classes—in general.

(a) The total quantities of butterfat and of skim milk received during the month at each pool plant and by each cooperative association in its capacity as a handler under § 1001.9(d) (including those quantities in inventory at the beginning of the month) shall be assigned separately, in the manner and sequence provided in §§ 1001.54 through 1001.58, to the respective quantities of butterfat and of skim milk classified as Class I milk and Class II milk under §§ 1001.47 through 1001.51.

(b) Except as provided in § 1001.56, whenever receipts have been assigned under §§ 1001.54 through 1001.58 to the remaining pounds in a class, all remaining receipts shall be assigned to the other class.

(c) If receipts from more than one plant are to be assigned under a paragraph in § 1001.55 or § 1001.57, or under § 1001.58, the receipts shall be assigned in sequence according to the zone locations of the plants, beginning with the plant in the nearest zone to Boston for assignments to Class I milk and beginning with the plant in the most distant zone from Boston for assignments to Class II milk.

§ 1001.54 Initial assignments to Class I milk.

(a) Assign to Class I milk the quantities received in exempt milk.

(b) Assign to Class I milk the quantities in packaged fluid milk products received from regulated plants under other Federal orders, if the fluid milk products received are classified and priced under the other orders as Class I milk or the equivalent thereof or in accordance with their assignment under this part.

(c) Assign to Class I milk the quantities in packaged fluid milk products received from other pool plants.

(d) Assign to Class I milk the quantities in fluid milk products in inventory at the beginning of the month which were classified as Class I milk in the preceding month.

§ 1001.55 Initial assignments to Class II milk.

(a) Assign to Class II milk the quantities in fluid milk products or cream reconstituted from other milk products, and the quantities in other milk products used to fortify fluid milk products or cream. If the quantity of any reconstituted product is not known, the quantities assigned shall be the quantity of butterfat used in the reconstitution and the quantity of skim milk required to produce the milk products so used. Any unaccounted-for plain condensed milk or skimmed milk, dry whole milk, or nonfat dry milk shall be considered to have been used in the reconstitution of fluid milk products.

(b) Assign to Class II milk the quantities in cream in inventory at the beginning of the month and received during the month.

(c) Assign to Class II milk the quantities in fluid milk products (other than exempt milk) received from a local or State government which has elected nonproducer status for the month under § 1001.26(c).

(d) Assign to Class II milk the quantities in fluid milk products in inventory at the beginning of the month not assigned under § 1001.54(d).

(e) Assign to Class II milk the quantities in fluid milk products received from producer-handlers under any Federal order and from exempt distributing plants under any New England Federal order; and in receipts from dairy farmers which are rejected and segregated in the handler's normal operation for receiving milk, and are accepted and disposed of by the handler as salvage product rather than as milk.

(f) Assign to Class II milk the quantities in bulk fluid milk products received from distributing plants for unregulated markets located within one of the New England States or in zone 40 or a nearer zone.

(g) At pool plants other than pool distributing plants, assign to Class II milk the quantities in fluid milk products received from plants located outside the New England States and beyond zone 40, if the fluid milk products received are not classified and priced under any Federal order.

(h) Assign to Class II milk the quantities in fluid milk products received from plants located within one of the New England States or in zone 40 or a nearer zone, except receipts assigned under paragraph (f) of this section and receipts which are classified and priced under any Federal order.

§ 1001.56 Special assignments to classes.

(a) At pool distributing plants, assign to Class II milk, to the extent of the respective remaining pounds in that class, the quantities in bulk fluid milk products received from each regulated plant or handler under another Federal order, if the shipper and the operator of the receiving plant have both requested such Class II classification and assignment.

(b) At pool distributing plants, assign in the manner provided in subparagraphs (1) and (2) of this paragraph any remaining receipts of bulk fluid milk products from each regulated plant under another Federal order, if such receipts are classified and priced under the other order as Class I milk or the equivalent thereof or in accordance with their assignment under this part.

(1) Assign the quantities in such receipts to Class I milk and Class II milk in proportion to the estimated percentages of butterfat and skim milk, respectively, in each class in producer milk of all handlers for the month as announced under § 1001.32(j)(4), or in proportion to the respective remaining pounds in each class at all of the handler's pool plants, whichever procedure results in the greater combined quantity of butterfat and of skim milk in such receipts being assigned to Class II milk.

(2) The quantities assigned to Class II milk under this paragraph shall not exceed the respective quantities of butterfat and of skim milk in Class II milk remaining at all of the handler's pool plants. Any remaining receipts shall be assigned to Class I milk.

(c) If the quantity to be assigned to a class under paragraph (b) of this section exceeds the respective quantity remaining in that class at the pool distributing plant, the remaining quantity shall be increased to the quantity to be assigned to that class and the respective remaining quantity in that class at the handler's other pool plants shall be decreased to the same extent, in sequence beginning with the plant in the zone nearest to Boston. The respective quantity remaining in the other class thereupon shall be decreased correspondingly at the pool distributing plant and shall be increased correspondingly at those other pool plants involved in the adjustment.

(d) The quantities assigned under this section shall be limited to the excess of the receipts from a plant over the respective quantities in bulk fluid milk products moved to that plant from the pool distributing plant.

§ 1001.57 Additional assignments to Class I milk.

(a) At pool distributing plants, assign to Class I milk the quantities in bulk fluid milk products received from the handler's pool plants located in the nearby plant zone.

(b) Assign to Class I milk the quantities received from other handlers' pool plants in bulk fluid milk products for which classification as Class II milk has not been requested by both handlers.

(c) Assign to Class I milk the quantities received in milk from producers and from cooperative associations in their capacity as handlers under § 1001.9(d).

(d) Assign to Class I milk the quantities received from the handler's pool plants in bulk fluid milk products not assigned under paragraph (a) of this section.

(e) At pool distributing plants, assign to Class I milk the quantities received from plants located outside the New England States and beyond zone 40 in pool milk other than producer milk, if the fluid milk products received are not classified and priced under any Federal order.

(f) Assign to Class I milk the quantities received from other handlers' pool plants in bulk fluid milk products for which classification as Class II milk has been requested by both handlers.

(g) At pool plants other than pool distributing plants, assign to Class I milk the quantities in bulk fluid milk products received from regulated plants or handlers under other Federal orders, if such receipts are classified and priced under the other order as Class I milk or the equivalent thereof or in accordance with their assignment under this part.

§ 1001.58 Additional assignment to Class II milk.

Assign to Class II milk the quantities received from regulated plants under other Federal orders in fluid milk products not previously assigned to classes under §§ 1001.54 through 1001.57.

MINIMUM PRICES

§ 1001.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, at plants located in zone 21, shall be computed for each month as specified in this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding workday shall be used.

(a) Compute an economic index, with the year 1958 as the base period, as follows:

(1) Calculate a U.S. wholesale commodity price index by dividing the monthly wholesale price index for all commodities (as reported by the Bureau of Labor Statistics, U.S. Department of Labor, with the years 1957–59 as the base period) by 1.0025.

(2) Calculate a New England consumer income index by multiplying the current annual rate of per capita disposable personal income in the United States (based upon the quarterly figure released by the U.S. Department of Commerce or the Council of Economic Advisers to the President) by the New England adjustment percentage and dividing the result by 20.50. The New England adjustment percentage shall be the current percentage relationship of per capita personal income in New England to per capita personal income in the United States (using data on per capita personal income by States and regions as published by the U.S. Department of Commerce).

(3) Calculate a New England dairy ration index by dividing the monthly average price paid by farmers in the New England region for 100 pounds of mixed dairy feed containing less than 29 percent protein (as reported by the U.S. Department of Agriculture) by 0.03884.

(4) Calculate a New England farm wage rate index by dividing the weighted average farm wage rate for the New England region by 1.9833. The weighted average farm wage rate for the New England region shall be the average of the farm wage rates for the New England region (as reported by the U.S. Department of Agriculture) weighted by the factors indicated in the following table.

	Weighting factor
Per month with board and room	1.00
Per month with house	1.00
Per week with board and room	4.33
Per week without board or room	4.33
Per day without board or room	26.00

(5) Calculate a New England grain-labor cost index by multiplying the New England dairy ration index by 0.6 and the New England farm wage rate index by 0.4, and combining the two results.

(6) The economic index shall be the result of dividing by seven the sum of three times the U.S. wholesale commodity price index, the New England consumer income index, and three times the New England grain-labor cost index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $0.0557, expressing the result to the nearest mill.

(2) Divide the Class I–A price for the month computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210-mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, except that its deviation from the result obtained in subparagraph (2) of this paragraph shall be limited to $0.09.

(c) Compute a supply-demand adjustment factor (using quantities announced in the statistical reports of the respective market administrators for the New England Federal orders for the second, third, and fourth months preceding the month for which the price is being computed but excluding receipts and sales of plants which become regulated on the basis of their sales in the area of extension) as follows:

(1) For each of the three months, determine the total Class I producer milk and the total producer milk for the New England Federal order markets by combining the respective totals for the individual markets.

(2) For each of the three months, divide the total Class I producer milk for the New England Federal order markets by the base Class I percentage factor for the same month as determined under § 1001.66(a). The result shall be the New England base supply for that month.

(3) For each of the three months, express the total producer milk for the New England Federal order markets as a percentage of the New England base supply for the same month. The simple average of the three resulting percentages shall be the percentage of base supply.

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (3) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The Class I price shall be the result, rounded to the nearest full cent, of the economic index price determined under paragraph (b) of this section, multiplied by the supply-demand adjustment factor determined under paragraph (c) of this section, except that from the effective date of this amendment the Class I price each month shall be $6.39 through April 1968.

§ 1001.61 Class II price.

The Class II price per hundredweight of milk containing 3.5 percent butterfat, at plants located in zone 21, shall be computed for each month as specified in this section.

(a) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported by the U.S. Department of Agriculture on a preliminary basis for the month, by subtracting for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.5 percent, an amount per hundredweight which shall be calculated by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported by the U.S. Department of Agriculture for the period beginning with the 16th day of the preceding month and ending with the 15th day of the current month.

(b) Adjust the result obtained in paragraph (a) of this section by the amount shown below for the applicable month:

Month:	Amount
January	+$0.08
February	+.07
March	.00
April	−.04
May	−.07
June	−.08
July	+.08
August	+.15
September	+.11
October	+.11
November	+.11
December	+.11

NOTE: Milk Order No. 1, 32 F.R. 13804, October 4, 1967, reads in part as follows:

It is hereby found and determined that: (a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for milk delivered on and after September 1, 1967: In § 1001.61(b), all of the text and table except that which reads as follows: (b) Adjust the result obtained in paragraph (a) of this section by +0.07. *It is therefore ordered,* That the aforesaid provisions of the order are hereby suspended for an indefinite period.

§ 1001.62 Zone differentials.

The class prices and blended prices computed under §§ 1001.60, 1001.61, and 1001.65 shall be subject to zone differentials based upon the zone locations of plants. The zone location of any plant and the differentials applicable to each zone location shall be determined as specified in this section.

(a) Each plant which is located in any of the places specified in this paragraph shall be in the "nearby plant" zone.

CONNECTICUT

All of the State of Connecticut.

MASSACHUSETTS

COUNTIES

Barnstable.	Middlesex.
Bristol.	Nantucket.
Dukes.	Norfolk.
Essex.	Plymouth.
Franklin.	Suffolk.
Hampden.	Worcester.
Hampshire.	

TOWNS

Sandisfield.	Becket.
Savoy.	Florida.
Washington.	Hinsdale.
Windsor.	Otis.
Peru.	

RHODE ISLAND

All of the State of Rhode Island.

(b) The zone location of each plant which is outside the "nearby plant" zone shall be based upon its highway mileage distance to Boston, as determined by use of Mileage Guide No. 8, and supplements to and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. The mileages used shall be those shown between designated key points in the mileage charts, and between named points on the appropriate State road maps, as published in the mileage guide. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(c) The distance for each plant shall be the mileage between Boston and the named point nearest to the plant, as shown in the mileage charts. If that named point is not listed in the mileage charts, the distance for the plant shall be the lowest mileage distance between Boston and that named point, computed as follows:

(1) Determine from the charts the mileage between Boston and each of the three key points nearest to the named point which are nearer to Boston than the named point.

(2) For each of these key points, add to the result in subparagraph (1) of this paragraph the mileage between the key point and the named point, measured to the greatest possible extent over roads designated as paved, all-weather roads.

(d) The zone differentials for each plant shall be those applicable to its zone location as shown in the following table.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

Distance to Boston (miles)	Plant location zone	Class I and blended price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Various	Nearby plant	+40.0	+5.8
31 to 40	4	+38.4	+4.5
41 to 50	5	+35.2	+4.2
51 to 60	6	+34.0	+4.0
61 to 70	7	+32.8	+3.7
71 to 80	8	+31.6	+3.5
81 to 90	9	+30.4	+3.2
91 to 100	10	+29.2	+3.0
101 to 110	11	+28.0	+2.9
111 to 120	12	+26.8	+2.6
121 to 130	13	+25.6	+2.4
131 to 140	14	+24.4	+2.1
141 to 150	15	+7.2	+1.6
151 to 160	16	+6.0	+1.3
161 to 170	17	+4.8	+1.2
171 to 180	18	+3.6	+.6
181 to 190	19	+2.4	+.4
191 to 200	20	+1.2	+.1
201 to 210	21	0	0
211 to 220	22	−1.0	−.6
221 to 230	23	−2.0	−.7
231 to 240	24	−3.0	−.9
241 to 250	25	−4.0	−.9
251 to 260	26	−5.0	−1.2
261 to 270	27	−6.0	−1.3
271 to 280	28	−7.0	−1.5
281 to 290	29	−8.0	−1.6
291 to 300	30	−9.0	−1.8
301 to 310	31	−10.0	−2.3
311 to 320	32	−11.0	−2.4
321 to 330	33	−12.0	−2.5
331 to 340	34	−13.0	−2.8
341 to 350	35	−14.0	−2.8
351 to 360	36	−15.0	−3.0
361 to 370	37	−16.0	−3.1
371 to 380	38	−17.0	−3.3
381 to 390	39	−18.0	−3.4
391 to 400	40	−19.0	−3.5
401 and over	41 and over	(1)	−3.5

[1] Class I and blended price differentials applicable to plants located more than 400 miles from Boston shall be obtained by extending the table at the rate of 1 cent for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in the same zone.

(e) Notwithstanding the provisions of paragraphs (b) and (c) of this section, for any named point located in New England and New York State, determine the highway mileage distance between Boston and the named point by use of the appropriate State maps contained in Mileage Guide No. 7, issued by Household Goods Carriers' Bureau, Agent, Washington, D.C. Such distance shall be the lowest highway mileage between Boston and the named point on the map, over roads designated thereon as paved, all-weather roads. In the event that the

named point is not located on a through, paved, all-weather road, such other roads shall be used to reach a through, paved, all-weather road as will result in the lowest highway mileage to Boston, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through, paved, all-weather road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located. The mileage so determined, or the mileage determined under paragraphs (b) and (c) of this section, whichever is less, shall be considered to be the lowest highway mileage distance between Boston and the named point.

§ 1001.63 Determination of applicable zone locations for pricing purposes.

In computing the value of fluid milk products at class prices under § 1001.64, the minimum amounts payable to producers under § 1001.70, the minimum amounts payable to cooperative associations under § 1001.76, and the handlers' producer settlement fund debits and credits under § 1001.81, the differentials specified in § 1001.62 for the zone location of the plant for which the computation is being made shall be used except that for the following items the differentials for the zone locations specified shall be used:

(a) For producer milk diverted by any handler, including a cooperative association in its capacity as a handler under § 1001.9(d), from a pool plant in zone 14 or a nearer zone to a plant located in any zone more distant than zone 14, the zone location of the plant to which the milk was diverted;

(b) For producer milk of a cooperative association in its capacity as a handler under § 1001.9(d) moved to a pool plant, the zone location of the plant to which the milk was moved;

(c) For milk of a cooperative association in its capacity as a handler under § 1001.9(d) in diversions to nonpool plants other than diversions described in paragraph (a) of this section, the zone location of the pool plant, or pool plants within the same zone, to which, during the current month or the most recent month, the association moved the greatest aggregate quantity of milk from the farms of the producers whose milk was diverted;

(d) For milk of a cooperative association in its capacity as a handler under § 1001.9(d) in shrinkage, overage, extraordinary loss, and ending inventory, the zone location of the pool plant, or pool plants within the same zone, to which the greatest aggregate quantity of such milk of the cooperative association was moved during the current month or the most recent month;

(e) For beginning inventory of a cooperative association in its capacity as a handler under § 1001.9(d), the zone location at which the milk was priced as ending inventory during the previous month;

(f) For receipts of pool milk other than producer milk from plants, the zone location of the plant from which it was received;

(g) For receipts assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58, the zone location of the plant from which the product was received; and

(h) For any excess of beginning inventory assigned to Class I milk under § 1001.55(d) over the quantities of producer milk and of milk from cooperative associations in their capacity as handlers under § 1001.9(d) assigned to Class II milk in the preceding month, the zone location of the pool plants from which an equivalent quantity of receipts of fluid milk products were assigned to Class II milk in the preceding month in sequence beginning with the plant in the zone nearest to Boston.

§ 1001.64 Computation of value of fluid milk products at class prices.

For each month, the market administrator shall compute, as specified in this section, the value of fluid milk products at class prices, at each plant other than the plant of a producer-handler under any Federal order, and of the fluid milk products of each cooperative association in its capacity as a handler under § 1001.9(d) which were not moved to a pool plant. The prices used shall be those for the applicable zone locations as determined under § 1001.63.

(a) Multiply by the applicable class prices the quantities of:

(1) Producer milk assigned under § 1001.57(c), except that for any cooperative association in its capacity as a handler under § 1001.9(d), the quantity of producer milk shall be reduced by the total quantity of milk moved to pool plants during the month, to the limit of the quantity of producer milk;

(2) Pool milk other than producer milk assigned under §§ 1001.55 (g) and (h), 1001.56, and 1001.57 (e) and (g); and

(3) Milk received at a pool plant from a cooperative association in its capacity as a handler under § 1001.9(d) and assigned under § 1001.57(c).

(b) Multiply by the applicable Class I prices the quantities of:

(1) Product assigned to Class I milk under §§ 1001.54(d) and 1001.55 (a) through (c);

(2) Product assigned to Class I milk under § 1001.55(d), except that for any cooperative association in its capacity as a handler under § 1001.9(d), the quantity shall be reduced by the quantity of any excess of milk moved to pool plants during the month over the quantity of producer milk, to the limit of the quantity assigned to Class I milk under § 1001.55(d); and

(3) Product assigned to Class I milk under §§ 1001.55(e) and (f), and 1001.58.

(c) If the total quantity of butterfat or of skim milk classified as Class I milk or Class II milk under §§ 1001.47 through 1001.51 exceeds the respective total quantity assigned to that class under §§ 1001.53 through 1001.58, multiply the excess (overage) by the applicable class price, adjusted by the butterfat differential.

(d) Multiply by the applicable Class I price the quantity of pool milk distributed as route disposition in the marketing area from the handler's nonpool plant.

(e) Multiply by the applicable Class II prices the quantities of:

(1) Product assigned to Class I milk under § 1001.55 (a) through (c); and

(2) Product assigned to Class I milk under §§ 1001.55 (e) and (f), and 1001.58.

(f) Multiply by the applicable Class I price for the preceding month the product assigned to Class I milk under § 1001.54(d).

(g) Multiply by the applicable Class II price for the preceding month the quantity of product for which a value is determined under subparagraph (b)(2) of this section.

(h) For any cooperative association in its capacity as a handler under § 1001.9(d), multiply by the applicable Class II price for the preceding month the quantity of any excess of milk moved to pool plants during the month over the quantity of producer milk, to the limit of the quantity of milk in its inventory at the beginning of the month.

(i) Add together the amounts obtained under paragraphs (a) through (d) of this section and subtract therefrom the sum of the amounts obtained under paragraphs (e) through (h) of this section.

§ 1001.65 Basic blended price.

The basic blended price per hundredweight of pool milk containing 3.5 percent butterfat, applicable to plants located in zone 21, shall be computed for each month as specified in this section.

(a) Combine into one total the respective values of fluid milk products at class prices computed under § 1001.64 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of the month, the reports for the month prescribed in § 1001.40 and the payment for the preceding month required under § 1001.82(a).

(b) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable under §§ 1001.62, and 1001.63, 1001.72, and 1001.81(a)(3).

(c) Subtract for each of the months of March, April, May, and June an amount computed by multiplying the total hundredweight of pool milk included in these computations by 10 cents in March, 20 cents in April, and 30 cents in May and June.

(d) Add for the months of August, September, and October, respectively, an amount representing 25 percent, 30 percent, and 30 percent of the aggregate amount subtracted under paragraph (c) of this section for the prior period of March–June, and for November add the remainder of the amount subtracted under paragraph (c) and the interest earned on the aggregate fund.

(e) Add the amount of the unobligated balance of the producer-settlement fund as at the close of business on the 10th day after the end of the month.

(f) Divide the resulting amount by the total hundredweight of pool milk for which a value is included under paragraph (a) of this section.

(g) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in the producer-settlement fund.

§ 1001.66 Factors used in formulas.

(a) The base Class I percentage factors to be used in the computation of the Class I price under § 1001.60 for each of the 12 months beginning with February of each year shall be computed on or before January 25 of that year as specified in this paragraph.

(1) For each month of the 3 preceding years and for December of the fourth preceding year (using the most recent statistical reports of the market administrators for the New England Federal orders) compute the daily average of the total Class I producer milk under all the New England Federal orders and the daily average of the total receipts from producers under all the New England Federal orders.

(2) For each of the two series of daily averages, using the median link-relative method, compute a seasonal index for each month, rounded to two decimal places.

(3) For each month, multiply the seasonal index of Class I producer milk by 0.6812 and divide the product by the seasonal index of receipts from producers for the same month. The result, rounded to one decimal place, shall be the base Class I percentage factor for the month.

(b) If for any reason a price, index, or wage rate specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the market administrator shall use one determined by the Secretary to be equivalent to the factor which is specified.

PAYMENTS—GENERAL

§ 1001.70 Payments to producers.

(a) On or before the 5th day after the end of the month, each handler shall pay each producer for the approximate value of milk received from him during the first 15 days of the month. This payment shall be at a rate not less than the applicable zone Class II price for the month.

(b) On or before the 20th day after the end of the month, each handler shall make final payment to each producer for the total value of milk received from him during the month at not less than the basic blended price per hundredweight computed under § 1001.65, adjusted by the zone and butterfat [, *and farm location*] [1] differentials applicable under §§ 1001.62, 1001.63, and 1001.71 [, *and 1001.72*],[1] minus the amount of the payment made to the producer under paragraph (a) of this section.

(c) If the handler's net payment to a producer is for an amount less than the total amount due the producer under this section, the burden shall rest upon the handler to prove to the market administrator that each deduction from the total amount due is properly authorized, and properly chargeable to the producer.

(d) In making payments to producers under paragraph (b) of this section, the handler may use the simple average of the butterfat tests of semimonthly composite samples of the milk unless the difference between the semimonthly tests is more than two points (0.2 percent) or the quantity of milk received from the producer in either semimonthly period is as much as three times as large as the quantity received from him in the other semimonthly period.

(e) In making payment to producers under paragraph (b) of this section for milk diverted from a pool plant in Zone 14 or a nearer zone to a plant located in any zone more distant than Zone 14, the handler may elect to pay such producers at the price applicable at the zone location of the plant from which the milk was diverted, if the resulting net payment to each producer is not less than that otherwise required under this section and the rate of payment and the deductions shown on the statement required to be furnished under § 1001.73 are those used in computing the payment.

§ 1001.71 Butterfat differential.

(a) In making the payments to producers required under § 1001.70 and the payments to cooperative associations required under § 1001.76(d), each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential, an amount per hundredweight which shall be computed by the market administrator under paragraph (b) of this section.

(b) Multiply by 1.20 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported by the U.S. Department of Agriculture for the period beginning with the 16th day of the preceding month and ending with the 15th day of the current month, and divide the result by 10.

§ 1001.72 Farm location differentials.

[*In making the payments to producers required under § 1001.70, each handler shall add any applicable farm location differential specified in this section.*] [1]

(a) With respect to milk received from a producer whose farm is located within any of the places specified in this paragraph, the differential shall be 46 cents per hundredweight, unless the addition of 46 cents gives a result greater than the Class I price determined under §§ 1001.60, 1001.62, and 1001.63 which is effective at the plant at which the milk is received. In that event there shall be added a rate which will produce that price.

CONNECTICUT

All of the State of Connecticut east of the Connecticut River and the towns of:

Granby. Suffield.

[1] Under suspension pursuant to order of Jan. 13, 1967 (32 F.R. 446, F.R. Doc. 67-569).

MAINE

The towns of:

Eliot. Kittery.

MASSACHUSETTS

All counties other than Berkshire County.

NEW HAMPSHIRE

Rockingham County, and the following cities and towns:

Allenstown.
Amherst.
Barrington.
Bedford.
Bow.
Brookline.
Chichester.
Deering.
Dover.
Durham.
Epsom.
Francestown.
Goffstown.
Greenfield.
Greenville.
Hinsdale.
Hollis.
Hooksett.
Hudson.
Lee.
Litchfield.
Lyndeborough.
Madbury.
Manchester.
Mason.
Merrimack.
Milford.
Mount Vernon.
Nashua.
New Boston.
New Ipswich.
Pelham.
Pembroke.
Pittsfield.
Rochester.
Rollinsford.
Strafford.
Temple.
Weare.
Wilton.
Winchester.

RHODE ISLAND

All of the State of Rhode Island.

VERMONT

The towns of:

Guilford. Vernon.
Halifax. Whitingham.
Readsboro.

(b) With respect to milk received from a producer whose farm is located within any of the following cities and towns, the differential shall be 23 cents per hundredweight, unless the addition of 23 cents gives a result greater than the Class I price determined under §§ 1001.60, 1001.62, and 1001.63 which is effective at the plant at which the milk is received. In that event there shall be added a rate which will produce that price.

MAINE

Berwick.
Kennebunk.
Kennebunkport.
Lebanon.
Lyman.
North Berwick.
Sanford.
South Berwick.
Wells.
York.

MASSACHUSETTS

Becket.	Sandisfield.
Florida.	Savoy.
Hinsdale.	Washington.
Otis.	Windsor.
Peru.	

NEW HAMPSHIRE

Antrim.	Loudon.
Barnstead.	Marlborough.
Bennington.	Middleton.
Boscawen.	Milton.
Bradford.	Nelson.
Canterbury.	Northfield.
Chesterfield.	Peterborough.
Concord.	Richmond.
Dublin.	Rindge.
Dunbarton.	Roxbury.
Farmington.	Sharon.
Fitzwilliam.	Somersworth.
Gilmanton.	Stoddard.
Gilsum.	Sullivan.
Hancock.	Surry.
Harrisville.	Swanzey.
Henniker.	Troy.
Hillsborough.	Webster.
Hopkinton.	Westmoreland.
Jaffrey.	Windsor.
Keene.	

VERMONT

Brattleboro.	Marlboro.
Brookline.	Newfane.
Dover.	Putney.
Dummerston.	Wilmington.

§ 1001.73 Statements to producers.

In making the payments to producers required under § 1001.70, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The pounds and butterfat test of milk which is received from the producer, or if more than one minimum rate of payment is applicable to the producer's milk under § 1001.70, the respective pounds and test to which each minimum rate of payment applies;

(c) The minimum rate or rates, including the butterfat differential, at which payment to the producer is required under § 1001.70;

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under §§ 1001.75 and 1001.76, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

§ 1001.74 Adjustment of payments to producers.

Whenever the market administrator's verification of a handler's payments to producers discloses payment to a producer of an amount less than is required by § 1001.70, the handler shall make payment of the balance due the producer not later than the 20th day after the end of the month in which the handler is notified of the deficiency.

§ 1001.75 Marketing service deductions.

(a) In making the payments required by § 1001.70 to producers, other than himself and any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in this section, each handler shall deduct 3 cents per hundredweight, or such lesser rate as the Secretary shall determine to be sufficient, for marketing services. The handler shall pay the amount deducted to the market administrator on or before the 18th day after the end of the month.

(b) The market administrator shall expend amounts received under paragraph (a) of this section only in providing for market information to such producers and for verification of weights, samples, and tests of milk received from them. The market administrator may contract with a cooperative association for the furnishing of the whole or any part of these services.

§ 1001.76 Payments to cooperative associations.

(a) Each cooperative association may file with a handler who is not a cooperative association a claim either for the payments which the handler is required to make to the association's producer members under § 1001.70 or for authorized deductions from such payments. The claim shall contain a list of the producers to whom the payments are due or to whom the deductions apply, an agreement to indemnify the handler in the making of such payments or deductions, and a certification that the association has, with each producer listed, an unterminated membership contract authorizing the payment or deduction.

(b) The handler shall withhold from the association's producer members the payments or the deductions specified in paragraph (a) of this section in accordance with the association's claim. He shall pay the amounts withheld to the association on or before the dates on which such amounts otherwise would have been due to the producer members under § 1001.70.

(c) For each producer member from whom payment was withheld, the handler shall furnish the association a supporting statement showing the information required to be furnished to the producer under § 1001.73. For each producer member from whom a deduction is made under this section, the handler shall furnish the association a statement showing the pounds of milk received.

(d) Each handler who receives fluid milk products at his plant from a cooperative association in its capacity as the operator of a pool plant or in its capacity as a handler under § 1001.9(d) shall make payment to the association for such receipts as follows:

(1) On or before the 5th day after the end of the month, for the approximate value of the fluid milk products received from the association during the first 15 days of the month. This payment shall be at a rate not less than the applicable zone Class II price for the month. The payment made to the association under this subparagraph shall constitute partial payment of the total amount required to be paid under this paragraph.

(2) On or before the 20th day after the end of the month, for not less than the total value of fluid milk products received from the association's pool plants, as determined by multiplying the respective quantities assigned to each class under §§ 1001.54 and 1001.57 by the class prices for the month, adjusted by the zone and butterfat differentials applicable under §§ 1001.62, 1001.63, and 1001.71.

(3) On or before the 20th day after the end of the month, for not less than the total value of milk received from the cooperative association in its capacity as a handler under § 1001.9(d), at the basic blended price per hundredweight for the month computed under § 1001.65, adjusted by the zone and butterfat differentials applicable under §§ 1001.62, 1001.63, and 1001.71.

(4) Whenever the market administrator's verification of a handler's payments under this paragraph discloses an underpayment, the handler shall make payment of the balance due the cooperative association not later than the 20th day after the end of the month in which the handler is notified of the deficiency.

PAYMENTS—PRODUCER SETTLEMENT FUND

§ 1001.80 Producer settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer settlement fund." He shall deposit into the fund all amounts received from handlers under §§ 1001.82, 1001.83, and 1001.84. He shall pay from the fund all amounts due handlers under §§ 1001.82, 1001.83, and 1001.84, subject to his right to offset any amounts due from the handler under these sections. All amounts subtracted under § 1001.65 (c), inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1001.65(d).

§ 1001.81 Handlers' producer settlement fund debits and credits.

On or before the 15th day after the end of the month, the market administrator shall render a statement to each handler showing the amount of the handler's producer settlement fund debit or credit, as calculated in this section.

(a) The producer settlement fund debit or credit for each plant and each cooperative association in its capacity as a handler under § 1001.9(d) shall be computed as specified in this paragraph.

(1) Multiply the quantities of pool milk and the quantities of fluid milk products received at the pool plant from cooperative associations in their capacity as handlers under § 1001.9(d) by the basic blended price computed under § 1001.65 adjusted by any zone differentials applicable under §§ 1001.62 and 1001.63.

(2) [*Multiply the quantities of producer milk which are subject to farm location differentials under § 1001.72 (a)*

and (b) by the respective rates applicable under those paragraphs.][2]

(3) With respect to any nonpool plant from which pool milk other than producer milk was received or distributed, divide the respective quantities of milk received at the plant directly from dairy farmers' farms located in the farm location differential areas described in § 1001.72 (a) and (b) by the total receipts of fluid milk products at the plant, multiply by 100, and apply the resulting percentages to the total quantity of pool milk received or distributed from the plant. Multiply each resulting quantity by the respective farm location differential rate specified in § 1001.72(a) or (b). Until such time as full information relative to all receipts at the plant, including the respective quantities of milk received directly from dairy farmers' farms in each farm location differential area, is submitted to the market administrator, it shall be considered that none of the farms from which milk was received at the plant is located in a farm location differential area.

(4) Combine the values obtained under subparagraphs (1) through (3) of this paragraph.

(5) For any cooperative association in its capacity as a handler under § 1001.9 (d), multiply the quantities of milk moved to each pool plant by the basic blended price computed under § 1001.65 adjusted by any zone differentials applicable under §§ 1001.62 and 1001.63; and to the result add the value determined under § 1001.64.

(6) If the value of fluid milk products, as determined under § 1001.64 for any plant, or as determined under subparagraph (5) of this paragraph for any cooperative association in its capacity as a handler under § 1001.9(d), is greater than the credit as determined under subparagraph (4) of this paragraph, the difference shall be the producer settlement fund debit for the plant or the cooperative association in its capacity as a handler under § 1001.9(d).

(7) If the value of fluid milk products, as determined under § 1001.64 for any plant, or as determined under subparagraph (5) of this paragraph for any cooperative association in its capacity as a handler under § 1001.9(d), is less than the credit as determined under subparagraph (4) of this paragraph, the difference shall be the producer settlement fund credit for the plant or the cooperative association in its capacity as a handler under § 1001.9(d).

(b) The producer settlement fund debit or credit of any handler shall be the net of the producer settlement fund debits and credits as computed for all of its operations under paragraph (a) of this section.

§ 1001.82 Payments to and from the producer settlement fund.

(a) On or before the 18th day after the end of the month, each handler shall make payment to the market administrator of the amount of the handler's producer settlement fund debit for the month as determined under § 1001.81.

(b) On or before the 20th day after the end of the month, the market administrator shall make payment to each handler of the amount of the handler's producer settlement fund credit for the month as determined under § 1001.81.

§ 1001.83 Adjustment of errors in producer settlement fund payments.

Whenever the market administrator's verification of reports or payments of any handler discloses an error in producer settlement fund payments made under § 1001.82, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period beginning with the 11th day of the prior month and ending with the 10th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during that period shall be payable by the market administrator to the handler on or before the 20th day of the current month.

§ 1001.84 Adjustment of overdue producer settlement fund accounts.

Any producer settlement fund account balance due from or to a handler under §§ 1001.82, 1001.83, or 1001.84, for which remittance has not been received in or paid from the market administrator's office by the close of business on the 20th day of any month, shall be increased one-half of 1 percent effective the following day. Any remittance received by the market administrator after the 20th day of any month in an envelope which is postmarked not later than the 18th day of the month shall be considered to have been received by the 20th day of that month.

Administration Expense

§ 1001.87 Payment of administration expense.

On or before the 18th day after the end of the month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this part. The payment shall be at the rate of 4 cents per hundredweight, or such lesser rate as the Secretary may prescribe. The payment shall apply to:

(a) All of a handler's receipts at pool plants during the month of fluid milk products from all sources, except receipts from pool plants, receipts from regulated plants under other Federal orders if such receipts were subject to an administration expense assessment under the other order, and receipts of exempt milk processed at plants other than pool plants;

(b) All receipts and beginning inventory of a cooperative association in its capacity as a handler under § 1001.9(d) for the month less its disposition to pool plants and ending inventory for the month; and

(c) The quantity of pool milk distributed as route disposition in the marketing area from a handler's nonpool plant.

Miscellaneous Provisions

§ 1001.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated under § 1001.91.

§ 1001.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part, in any event, shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1001.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1001.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, if so directed by the Secretary, shall liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected under the provisions of this part, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1001.94 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, except as provided in paragraphs (b) and (c) of this section, shall terminate 2 years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in the obligation, unless within the 2-year period the market administrator notifies the handler in writing that the money is due and payable. Service of the notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

[2] Under suspension pursuant to order of Jan. 13, 1967 (32 F.R. 446, F.R. Doc. 67-569).

(1) The amount of the obligation;
(2) The month during which the milk, with respect to which the obligation exists, was received or handled; and
(3) If the obligation is payable to one or more producers or to a cooperative association, the name of the producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator, within the 2-year period provided for in paragraph (a) of this section, may notify the handler in writing of the failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to the obligation shall not begin to run until the first day of the month following the month during which all the books and records pertaining to the obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud, or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which the handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on the payment is claimed, unless the handler, within the applicable period of time, files a petition under section 8c(15)(A) of the Act, claiming the money.

§ 1001.95 Agents.

The Secretary, by designation in writing, may name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1001.96 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: December 1, 1967.

Signed at Washington, D.C., on October 27, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-12920; Filed, Oct. 31, 1967; 8:52 a.m.]

[Milk Order 15]

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Amending Order

§ 1015.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Connecticut marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Connecticut marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

In § 1015.9, paragraph (c)(4) is revoked and paragraph (d) is revised to read as follows:

§ 1015.9 Handler.

* * * * *

(c) * * *

(4) [Revoked]

(d) Any cooperative association with respect to producer milk transferred from the producer's farm tank to a tank truck owned and operated by or under contract to such association for delivery to a pool plant if prior to delivery the operator of the pool plant gives notice in writing to both the market administrator and the association of its intention to purchase such milk on a basis of weights and butterfat tests other than as determined from farm tank measurements and farm tank samples.

* * * * *

In § 1015.10 the introductory paragraph and paragraph (a) are revised to read as follows:

§ 1015.10 Producer-handler.

"Producer-handler" means any person who is both a dairy farmer and a handler during the month and who meets all the conditions specified in this section. Sections 1015.63, 1015.64, 1015.72, 1015.73, 1015.75, 1015.80, through 1015.82, and 1015.87 through 1015.89 shall not apply to a producer-handler as defined under this or any other Federal order.

(a) His only sources of milk supply (except that represented by nonfat solids used in fortification) are his own production and fluid milk products transferred from pool plants. For the purpose of this paragraph, any fluid milk products which were acquired or purchased from a nonpool plant by him, his agent, partner or other associate and which he or such other person caused to be delivered at retail or wholesale outlets (including vending machines) in any Federal marketing area without being first received at his plant shall be included in such person's nonpool source of fluid milk products.

* * * * *

In § 1015.16(b), subparagraph (1) is revised to read as follows:

§ 1015.16 Pool plants.

* * * * *

(b) * * *

(1) Any plant, other than as provided in subparagraphs (2) through (5) of this paragraph, from which is shipped during the month of July at least 15 percent, and during any month of August

through November at least 25 percent, and during any month of December through June at least 15 percent, of its total receipts of milk from dairy farmers as fluid milk products, other than as diverted milk, to pool distributing plants, producer-handlers and plants to which qualifying shipments may be made under another New England Federal order, if a greater quantity of qualifying shipments are made to pool distributing plants and producer-handlers under this order than to the other plants. In the case of any plant which is eligible for qualification under subparagraph (5) of this paragraph and for which such qualification is requested the receipts at the plant from dairy farmers and the shipments therefrom to pool distributing plants for the purpose described in this subparagraph, shall include all direct deliveries of milk to pool distributing plants by producer-members of the cooperative association.

* * * * *

In § 1015.26, paragraph (c) is revoked.

§ 1015.26 Exempt milk.

* * * * *

(c) [Revoked]

In § 1015.32(g), a new subparagraph (5) is added to read as follows:

§ 1015.32 Duties.

* * * * *

(g) * * *

(5) Whenever required for purpose of assigning receipts from other Federal order plants pursuant to § 1015.55(c)(2), his estimate of the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

* * * * *

A new § 1015.35 together with a center heading is provided to read as follows:

APPLICATION OF PROVISIONS

§ 1015.35 Exempt governmental agency.

None of the provisions of this part shall apply to a governmental agency. Receipts of fluid milk products at a pool plant from such an agency shall be Class II. The disposition of fluid milk products by a pool handler to such an agency shall be Class I except that the disposition of fluid milk products in bulk to a plant operated by the University of Connecticut shall be Class II if claimed by the selling handler and supported by a certification, signed by an authorized agent of the University, that such milk was used to produce milk products other than fluid milk products or cream.

In § 1015.41, paragraphs (c) and (e)(1) are revised to read as follows:

* * * * *

§ 1015.41 Other reports of receipts and utilization.

* * * * *

(c) Each handler under § 1015.9(d) shall report to the market administrator in detail and on forms prescribed by the market administrator by the date on which reports are due under § 1015.40 after the end of each month, the quantities of skim milk and butterfat in producer milk delivered to each pool plant in such month and in the milk transferred into the tank truck at each producer's farm, and the classification of the quantities of skim milk and butterfat which are considered producer milk pursuant to § 1015.24(a)(4).

* * * * *

(e) * * *

(1) Mail or deliver to the market administrator on or before the second day (exclusive of Sundays and of legal holidays applicable at the location of the plant) following the day of each dumping not witnessed by the market administrator or his agent, a report in writing, as prescribed by the market administrator, showing the date on which the dumping was performed and the quantity dumped, such report to be signed by both the person who performed the dumping operation and the person authorized to sign reports for the handler under § 1015.40 (if the latter person is not available to sign the report within the 2-day period, the signature of the plant manager or plant superintendent shall be substituted on the report); and

* * * * *

Section 1015.50 is revised to read as follows:

§ 1015.50 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1015.40, or is producer milk pursuant to § 1015.24(a)(4) and required to be reported pursuant to § 1015.41(c), shall be classified pursuant to the provisions of §§ 1015.51 to 1015.53. Bulk milk which a cooperative association causes to be delivered under § 1015.9(c)(3) to the pool plant of another cooperative association shall be considered as if it were transferred between two pool plants located in the same zone location. When nonfat milk solids derived from nonfat dry milk, condensed skim milk or any other product condensed from milk or skim milk are utilized or unaccounted for by the handler, the total pounds of skim milk classified shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids, except that if the solids are utilized to fortify fluid milk products or cream, the actual weight of any such products shall be included in classifying the total product weight.

In § 1015.52, paragraphs (g)(2), (g)(3) and, (i) are revised, paragraph (i) is redesignated as paragraph (j), and a new paragraph (i) is added. Paragraphs (g)(2), (g)(3), (i), and (j) are to read as follows:

§ 1015.52 Class II milk.

* * * * *

(g) * * *

(2) Plus 1.5 percent of:

(i) Producer milk received from a handler under § 1015.9(d);

(ii) Milk received at the pool plant of a cooperative association from another cooperative association as specified in § 1015.9(c)(3) unless the association that received the milk at its pool plant notifies the market administrator in writing by the date reports are due under § 1015.40 that it is purchasing the milk on the basis of farm tank measurements and butterfat tests determined from farm tank samples in which case the applicable percentage shall be 2 percent;

(3) Plus 0.5 percent of:

(i) Producer milk received by a handler under § 1015.9(c)(3) if the association operating the pool plant where the milk is delivered has not notified the market administrator in writing by the date reports are due under § 1015.40 that it is purchasing the milk on the basis of farm tank measurements and butterfat tests determined from farm tank samples;

(ii) Milk transferred by a cooperative association in its capacity as a handler pursuant to § 1015.9(d) from a producer's farm tank into a tank truck.

* * * * *

(i) Contained in bulk fluid milk products transferred or diverted to the plant of an exempt governmental agency if the conditions of § 1015.35 are met.

(j) Contained in fluid milk products transferred or diverted from a pool plant to another plant other than the plant of a producer-handler under any Federal order or the plant of an exempt governmental agency if the conditions of § 1015.53 are met.

In § 1015.55, the introductory paragraph, and paragraphs (b)(3), (c), and (e) are revised to read as follows:

§ 1015.55 Assignment to classes of skim milk and butterfat received.

The total quantity of skim milk and butterfat received during the month at each pool plant and by handlers specified in § 1015.9(c) and required to be reported under § 1015.40 (including those quantities in inventory at the beginning of the month) and in producer milk pursuant to § 1015.24(a)(4) required to be reported pursuant to § 1015.41(c), shall be assigned separately, in the manner and sequence provided below, to the respective quantities of skim milk and butterfat classified in each class under §§ 1015.50 through 1015.53.

* * * * *

(b) * * *

(3) Fluid milk products from producer-handlers under any Federal order, from exempt governmental agencies, or from exempt distributing plants under any New England Federal order in sequence beginning with the source most distant from Hartford according to its zone location;

* * * * *

(c) For pool distributing plants:

(1) To the remaining pounds in Class II milk, assign the pounds of bulk fluid

milk products received during the month from regulated plants or handlers under another Federal order on which a Class II use was claimed by both the shipper and the operator of the receiving plant; and

(2) To the remaining pounds in each class, assign in the manner provided in subdivisions (i) and (ii) of this subparagraph any remaining receipts of bulk fluid milk products from each regulated plant under another Federal order, to the extent that such receipts are not offset by transfers of bulk fluid milk products to the same plants, if such receipts are classified and priced under the other order as Class I milk or are subject to such classification and pricing or the equivalent thereof, if assigned to Class I milk under this order. Should the quantity to be assigned to either class exceed the respective quantity remaining in that class at the plant of receipt, the respective quantity remaining in that class shall be increased to the quantity to be assigned and the respective quantity remaining in the other class shall be decreased by an identical quantity. If such an adjustment is required at the receiving plant, an offsetting adjustment shall be made to the respective remaining quantities in each class at the handler's other pool plants, in sequence beginning with the plant nearest Hartford.

(i) Assign the quantities in such receipts to Class I milk and Class II milk in proportion to the estimated percentages of skim milk and butterfat, respectively, in each class in producer milk of all handlers for the month as announced under § 1015.32(g)(5), or in proportion to the respective remaining pounds in each class at all of the handler's pool plants, whichever procedure results in the greater combined quantity of skim milk and of butterfat in such receipts being assigned to Class II milk.

(ii) The quantities assigned to Class II milk under this paragraph shall not exceed the respective quantities of skim milk and of butterfat in Class II milk remaining at all of the handler's pool plants. Any remaining receipts shall be assigned to Class I milk.

* * * * *

(e) For pool supply plants, assign to the remaining pounds in each class, beginning with Class II milk, the pounds of bulk fluid milk products received during the month from regulated plants or handlers under other Federal orders which were not previously assigned.

* * * * *

Section 1015.60 is revised to read as follows:

§ 1015.60 Class I price.

The Class I price per hundredweight of milk containing 3.5 percent butterfat, at plants in the nearby plant zone under § 1015.62 shall be the amount computed for each month as specified in this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding workday shall be used.

(a) Compute an economic index, with the year 1958 as the base period, as follows:

(1) Calculate a U.S. wholesale commodity price index by dividing the monthly wholesale price index for all commodities (as reported by the Bureau of Labor Statistics, U.S. Department of Labor, with the years 1957–59 as the base period) by 1.0025.

(2) Calculate a New England consumer income index by multiplying the current annual rate of per capita disposable personal income in the United States (based upon the quarterly figure released by the U.S. Department of Commerce or the Council of Economic Advisers to the President) by the New England adjustment percentage and dividing the result by 20.50. The New England adjustment percentage shall be the current percentage relationship of per capita personal income in New England to per capita personal income in the United States (using data on per capita personal income by States and regions as published by the United States Department of Commerce).

(3) Calculate a New England dairy ration index by dividing the monthly average price paid by farmers in the New England region for 100 pounds of mixed dairy feed containing less than 29 percent protein (as reported by the U.S. Department of Agriculture) by 0.03884.

(4) Calculate a New England farm wage rate index by dividing the weighted average farm wage rate for the New England region by 1.9833. The weighted average farm wage rate for the New England region shall be the average of the farm wage rates for the New England region (as reported by the U.S. Department of Agriculture) weighted by the factors indicated in the following table.

Rate	Weighting factor
Per month with board and room	1.00
Per month with house	1.00
Per week with board and room	4.33
Per week without board or room	4.33
Per day without board or room	26.00

(5) Calculate a New England grain-labor cost index by multiplying the New England dairy ration index by 0.6 and the New England farm wage rate index by 0.4, and combining the two results.

(6) The economic index shall be the result of dividing by seven the sum of three times the U.S. wholesale commodity price index, the New England consumer income index, and three times the New England grain-labor cost index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $0.0557, expressing the result to the nearest mill.

(2) Divide the Class I–A price for the month computed under the New York-New Jersey Federal order, applicable to milk containing 3.5 percent butterfat received at plants located in the 201–210-mile freight zone, by the utilization adjustment percentage which entered into the computation of that price, expressing the result to the nearest mill.

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, except that its deviation from the result obtained in subparagraph (2) of this paragraph shall be limited to $0.09.

(c) Compute a supply-demand adjustment factor (using quantities announced in the statistical reports of the respective market administrators for the New England Federal orders for the second, third, and fourth months preceding the month for which the price is being computed but excluding receipts and sales of plants which become regulated on the basis of their sales in the Massachusetts-Rhode Island area extension) as follows:

(1) For each of the three months, determine the total Class I producer milk and the total producer milk for the New England Federal order markets by combining the respective totals for the individual markets.

(2) For each of the three months, divide the total Class I producer milk for the New England Federal order markets by the base Class I percentage factor for the same month as determined under § 1015.65(a). The result shall be the New England base supply for that month.

(3) For each of the three months, express the total producer milk for the New England Federal order market as a percentage of the New England base supply for the same month. The simple average of the three resulting percentages shall be the percentage of base supply.

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

Percentage of base supply: [1]	Supply-demand adjustment factor
90.5–91.5	1.06
92.0–93.0	1.05
93.5–94.5	1.04
95.0–96.0	1.03
96.5–97.5	1.02
98.0–99.0	1.01
99.5–100.5	1.00
101.0–102.0	.99
102.5–103.5	.98
104.0–105.0	.97
105.5–106.5	.96
107.0–108.0	.95
108.5–109.5	.94

[1] If the percentage of base supply calculated according to subparagraph (3) of this paragraph falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The Class I price shall be the result, rounded to the nearest full cent, of

the economic index price determined under paragraph (b) of this section, multiplied by the supply-demand adjustment factor determined under paragraph (c) of this section, plus 40 cents, except that from the effective date of this amendment the Class I price each month shall be $6.79 through April 1968.

In § 1015.62, paragraph (d) is revised to read as follows:

§ 1015.62 Plant zone price differentials.

* * * * *

(d) The zone price differentials for each plant shall be those applicable to its zone location as shown in the following table:

PLANT ZONE PRICE DIFFERENTIALS

Distance to Hartford (miles)	Plant location zone	Class I and uniform price differentials (cents per hundredweight)	Class II price differentials (cents per hundredweight)
Various	Nearby plant	0.0	0.0
51 to 60	6	−19.0	−1.4
61 to 70	7	−20.4	−1.7
71 to 80	8	−21.8	−2.0
81 to 90	9	−23.2	−2.6
91 to 100	10	−24.6	−2.8
101 to 110	11	−26.0	−2.9
111 to 120	12	−27.4	−3.2
121 to 130	13	−28.8	−3.4
131 to 140	14	−30.2	−3.7
141 to 150	15	−31.6	−4.2
151 to 160	16	−33.0	−4.5
161 to 170	17	−34.4	−4.6
171 to 180	18	−35.8	−5.2
181 to 190	19	−37.2	−5.4
191 to 200	20	−38.6	−5.7
201 to 210	21	−40.0	−5.8
211 to 220	22	−41.4	−6.4
221 to 230	23	−42.8	−6.5
231 to 240	24	−44.2	−6.7
241 to 250	25	−45.6	−6.7
251 to 260	26	−47.0	−7.0
261 to 270	27	−48.4	−7.1
271 to 280	28	−49.8	−7.3
281 to 290	29	−51.2	−7.4
291 to 300	30	−52.6	−7.6
301 to 310	31	−54.0	−8.1
311 to 320	32	−55.4	−8.2
321 to 330	33	−56.8	−8.3
331 to 340	34	−58.2	−8.6
341 to 350	35	−59.6	−8.6
351 to 360	36	−61.0	−8.8
361 to 370	37	−62.4	−8.9
371 to 380	38	−63.8	−9.1
381 to 390	39	−65.2	−9.2
391 to 400	40	−66.6	−9.3
401 and over	41 and over	(1)	−9.3

[1] Class I and uniform price differentials applicable to plants located more than 400 miles from Hartford shall be obtained by extending the table at the rate of 1.4 cents for each additional 10 miles, except that in no event shall the Class I or uniform price at any zone be less than the Class II price for the month for plants in such zone.

* * * * *

In § 1015.63, the introductory paragraph and paragraph (c) are revised to read as follows:

§ 1015.63 Value of each handler's fluid milk products.

For each month, the market administrator shall compute the value of fluid milk products for each handler under § 1015.9(a), (b), (c), and (d) except a producer-handler under any Federal order. The prices used shall be those for the zone location of the plant for which the value is being computed or at which it has been considered that a handler under § 1015.9(c) or (d) received producer milk, except that under paragraphs (a)(2), (b)(2), and (f)(2) of this section the prices used shall be those applicable at the zone locations of the plants from which the fluid milk products were received, and under paragraph (c) of this section, the prices which are specified therein shall be used.

* * * * *

(c) Compute a charge on the handler's beginning inventory as follows:

(1) Multiply the difference between the Class II price for the preceding month and the Class I price for the current month applicable at the nearest plant location from which an equivalent quantity of skim milk and butterfat, respectively, was allocated to Class II milk in the preceding month, by the hundredweight of skim milk and butterfat, respectively, assigned to Class I milk under § 1015.55(b)(7) for the month which is in excess of the hundredweight of skim milk and butterfat, respectively, allocated to Class II milk under § 1015.55(e) and (i) during the preceding month and classified and priced as Class I milk or the equivalent thereof under the provisions of any Federal order; and

(2) Multiply the hundredweight of skim milk and butterfat in milk which is in transit to a pool plant at the beginning of the month from a cooperative association in its capacity as a handler under § 1015.9(d), by the difference between the Class II price for the preceding month and the uniform price for the current month applicable at the location at which such milk was priced during the preceding month.

* * * * *

In § 1015.64, paragraph (a) is revised to read as follows:

§ 1015.64 Basic uniform price.

(a) Combine into one total the value of fluid milk products computed under § 1015.63, excluding any charge under § 1015.63(c)(2), for each handler who made the reports prescribed in §§ 1015.40 and 1015.41(c) for the month and who was not in default of payments under § 1015.81 for the preceding month.

* * * * *

In § 1015.73, paragraph (b) is revised to read as follows:

§ 1015.73 Statements to producers.

* * * * *

(b) The total pounds and average butterfat test of milk received from the producer or from the cooperative association in its capacity as a handler under § 1015.9(d) except that the butterfat test shall not be required on statements accompanying payment for the first 15 days of the month;

* * * * *

Section 1015.74 is revised to read as follows:

§ 1015.74 Adjustment of payments to producers and cooperative associations.

Whenever the market administrator's verification of a handler's payments to producers or cooperative associations discloses payment of an amount less than is required by § 1015.70 the handler shall make payment of the balance due the producer or cooperative association not later than the date for making payment under § 1015.70 for the month in which the handler is notified by the market administrator of the deficiency.

Section 1015.80 is revised to read as follows:

§ 1015.80 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund." He shall deposit all amounts received from handlers under §§ 1015.81, 1015.88, and 1015.89 into the fund. He shall pay all amounts due handlers under §§ 1015.82 and 1015.88 from the fund, subject to his right to offset a payment due to a handler from the producer-settlement fund against any payment due from the handler to the fund. All amounts subtracted under § 1015.64(c) inclusive of interest earned thereon, shall remain therein as an obligated balance until it is withdrawn for the purpose of effectuating § 1015.64(d). The market administrator shall render a statement to each handler who made the reports prescribed in § 1015.40 or § 1015.41(c), by the 16th day of the month showing the amount due to or from the producer-settlement fund computed in accordance with §§ 1015.63, 1015.81, and 1015.82.

In § 1015.87, paragraph (b) is revised to read as follows:

§ 1015.87 Payment of administration expense.

* * * * *

(b) The payment shall also apply to the quantity of pool milk distributed as route disposition in the marketing area from a handler's nonpool plant, to the quantity of producer milk for which a cooperative association is the handler under § 1015.9(c), and to the quantity of producer milk for which the cooperative association is the handler under § 1015.9(d), except that disposed of to pool plants or in ending inventory for the month.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: December 1, 1967.

Signed at Washington, D.C., on October 27, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-12921; Filed, Oct. 31, 1967; 8:52 a.m.]

[Milk Order 67]

PART 1067—MILK IN OZARKS MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.),

and of the order regulating the handling of milk in the Ozarks marketing area (7 CFR Part 1067), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the month of October: In § 1067.11(b) in the table and opposite the month of October the figure "40".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This action has been requested by three cooperative associations, representing more than 80 percent of the producers in this market. The cooperatives state that the suspension is necessary to maintain pool plant status for supply plants so as to facilitate the orderly disposition of the market's reserve supply of milk during the month of October. Supply plants are experiencing difficulties meeting pool shipping requirements largely from increased milk production this year over last year. Further, a substantial handler distributing fluid milk in the market has changed his operation in a manner so as to receive nearly all his milk directly from farmers rather than from supply plants.

(4) This suspension action will make it unnecessary for the operators of supply plants to make unneeded and uneconomical shipments to processing plants in order to maintain pool status. This suspension will maintain producer status of many farmers regularly associated with the market and will promote orderly marketing conditions.

(5) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (32 F.R. 14278). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective October 1, 1967.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of October 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: October 1, 1967.

Signed at Washington, D.C., on October 27, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

[F.R. Doc. 67-12845; Filed, Oct. 31, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 67-EA-92; Amdt. 39-501]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to require inspection and when applicable, replacement of the rotary wing hub horizontal hinge pins in the Sikorsky S-61 Helicopters.

A recent surveillance has disclosed the presence of cracks in the exterior surface of the horizontal hinge pins. The cause of the cracks is believed to be the omission of a blend radius on the interior surface of the pin during machining. Further inspection also disclosed other defects in the interior surface. The existence of these defects could under normal loads be the cause of fatigue failures. Since this condition is likely to exist or develop in other aircraft of the same type an airworthiness directive is being issued to require inspection and replacement of the hinge pins.

Since a situation exists that requires immediate adoption of this amendment, it is found that notice and procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY. Applies to type S61 Helicopters. Compliance required as indicated.

To prevent fatigue failures of the Rotary Wing Hub Horizontal Hinge Pins, P/N S6110-23020 and P/N S6110-23320, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, inspect the horizontal hinge pins in accordance with Sikorsky Service Bulletin No. 61B10-4 dated August 21, 1967 or later revisions approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Eastern Region. Equivalent inspections may be approved by an FAA maintenance inspector.

(1) If a machining defect is found on the interior surface of the cylindrical part of the pin or on the inner surface of the part of the pin where the damper is attached (sections 1 or 3 of the pin as defined in the Sikorsky Service Bulletin) remove the hinge pin from service prior to further flight.

(2) If a machining defect is found on the interior surface of the tapered part of the hinge pin (section 2 of the pin as defined in the Sikorsky Service Bulletin) inspect the external surface of this tapered section using a magnifying glass (2-power minimum). If a crack is found replace the hinge pin prior to further flight.

(3) If a defect is found on the interior surface of the tapered part of the hinge pin (section 2 of the pin as defined in the Sikorsky Service Bulletin) and no crack is detected on the external surface of this section:

(i) Perform a daily visual inspection of the external surface of section 2 using a magnifying glass (2-power minimum). If a crack is found remove the hinge pin from service before further flight.

(ii) The hinge pin must be removed from service within the next 50 hours' time in service.

This amendment is effective on October 30, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Jamaica, N.Y., on October 19, 1967.

MARTIN J. WHITE,
Acting Director, Eastern Region.

[F.R. Doc. 67-12848; Filed, Oct. 31, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WE-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 13140 of the FEDERAL REGISTER for September 15, 1967, there was published a notice of proposed rule making to amend Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the Montague, Calif., area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed alteration.

No objections have been received, and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective January 4, 1968.

Issued in Los Angeles, Calif., on October 20, 1967.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.171 (32 F.R. 2118) the Montague, Calif., control zone is amended to read as follows:

MONTAGUE, CALIF.

Within a 5-mile radius of Siskiyou County Airport (latitude 41°46'55" N., longitude 122°28'00" W.); within 2 miles each side of the Siskiyou TACAN 194° radial, extending from the 5-mile radius zone to 7 miles south of the TACAN; and within 2 miles each side of the Siskiyou TACAN 014° radial, extending from the 5-mile radius zone to 6.5 miles north of the TACAN, excluding the airspace within a 1-mile radius of Montague-Yreka Airport (latitude 41°43'50" N., longitude 122°32'45" W.).

In § 71.181 (32 F.R. 6022) the Montague, Calif., transition area is amended to read as follows:

MONTAGUE, CALIF.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport (latitude 41°46'-55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 42°04'00" N., on the east by an arc of a 40-mile radius circle centered on the Klamath Falls, Oreg., VORTAC and an arc of a 14-mile radius circle centered on the Siskiyou County Airport, on the southeast by a line extending from latitude 41°41'00" N., longitude 122°20'00" W., to latitude 41°-25'00" N., longitude 122°20'00" W., on the south by latitude 41°25'00" N., and on the west by the east edge of V-23; within 5 miles each side of the Siskiyou TACAN 014° radial, extending from the 7-mile radius area to 19 miles north of the TACAN, and within 5 miles east and 6 miles west of the Siskiyou TACAN 194° radial, extending from the TACAN to 29 miles south of the TACAN.

[F.R. Doc. 67-12849; Filed, Oct. 31, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-84]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On September 9, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 12922), stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Hickory, N.C., control zone and 700-foot transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 4, 1968, as hereinafter set forth.

In § 71.171 (32 F.R. 2071), the Hickory, N.C., control zone is amended as follows: "* * * (lat. 35°44'24" N., long. 81°23'30" W.) * * *" is deleted and "* * * (lat. 35°44'25" N., long. 81°23'28" W.) * * *" is substituted therefor.

In § 71.181 (32 F.R. 2148), the Hickory, N.C., 700-foot transition area (32 F.R. 7153) is amended to read:

HICKORY, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hickory Municipal Airport (lat. 35°44'25" N., long. 81°23'28" W.); within 2 miles each side of the Hickory VOR 223° and 058° radials, extending from the 8-mile radius area to 8 miles northeast of the VOR; within 2 miles each side of the Hickory VOR 114° radial, extending from the VOR to 14 miles southeast;

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 20, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-12850; Filed, Oct. 31, 1967; 8:47 a.m.]

[Airspace Docket No. 67-WE-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 13141 of the FEDERAL REGISTER for September 15, 1967, there was published a notice of proposed rule making to amend Part 71 of the Federal Aviation Regulations that would alter the description of the Klamath Falls, Oreg., transition area. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed alteration.

No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective January 4, 1968.

Issued in Los Angeles, Calif., on October 20, 1967.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.181 (32 F.R. 2208) the Klamath Falls transition area, as amended in 32 F.R. 50, is further amended by deleting, "That airspace extending upward from 700 feet above the surface within a 15-mile radius of Klamath Falls VORTAC; * * *", and substituting therefor, "That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls VORTAC and within 5 miles east and 8 miles west of the Klamath Falls ILS localizer south course extending from the 15-mile radius area to 12 miles south of the RBN; * * *."

[F.R. Doc. 67-12851; Filed, Oct. 31, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On September 9, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 12922), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Yazoo City, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 4, 1968, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Yazoo City, Miss, transition area is amended to read:

YAZOO CITY, MISS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Barrier Field (lat. 32°52'30" N., long. 90°24'25" W.); within 2 miles each side of the 100° bearing from WAZF Commercial Broadcast Station (lat. 32°52'00" N., long. 90°23'31" W.), extending from the 6-mile radius area to 8 miles east of WAZF Commercial Broadcast Station; within 2 miles each side of the Jackson, Miss. VORTAC 332° radial, extending from the 6-mile radius area to 16 miles northwest of the VORTAC; and that airspace extending upward from 1200 feet above the surface within 5 miles each side of the 280° bearing from WAZF Commercial Broadcast Station, extending from WAZF Commercial Broadcast Station to 13 miles west; and within 8 miles north and 5 miles south of the 100° bearing from WAZF Commercial Broadcast Station, extending from WAZF Commercial Broadcast Station to 12 miles east.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 20, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-12852; Filed, Oct. 31, 1967; 8:47 a.m.]

[Airspace Docket No. 67-SO-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 16, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 13197), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Alexander City, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the Notice, Coast and Geodetic Survey redefined the final approach bearing from 170° to 171°. Because of this redefinement, it is necessary to alter the description accordingly. Since this alteration is minor in nature, it is incorporated in this rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 4, 1968, as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the following transition area is added:

ALEXANDER CITY, ALA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Thomas C. Russell Field Airport (lat. 32°55'15" N., long. 85°57'45" W.); within 2 miles each side of the 171° bearing from the Alexander City RBN (lat. 32°53'10" N., long. 85°57'30" W.), extending from the 5-mile radius area to 8 miles south of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on October 23, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-12853; Filed, Oct. 31, 1967; 8:48 a.m.]

[Airspace Docket No. 67-WA-32]

PART 73—SPECIAL USE AIRSPACE

Alteration of Prohibited Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the designated altitude of Prohibited Area P-56, Washington, D.C.

In keeping with its continuing policy of re-examining restrictions on the public use of airspace, the FAA has determined that, coincident with lowering the base altitude of positive control area, the upper limit of P-56 should extend only that base rather than upward without limitation.

Since the effect of this amendment is to return prohibited airspace to the public for use, notice and public procedure thereon is unnecessary and may be made effective in less than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., November 9, 1967, as hereinafter set forth.

Section 73.87 (32 F.R. 3739 and 32 F.R. 5769) is amended by deleting "Designated altitudes: Surface to unlimited" and substituting therefor "Designated altitudes: Surface to 18,000 feet MSL."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 27, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-12878; Filed, Oct. 31, 1967; 8:49 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-515, Amdt. 6]

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Military Backhaul Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1967.

On May 4, 1967, by notice of proposed rule making, EDR-115 (32 F.R. 7090), the Board proposed to amend Part 207, as well as Part 208 (Terms, Conditions, and Limitations of Certificates to Engage in Supplemental Air Transportation) of the Economic Regulations, to exempt from the limitations of Part 207 commercial charters performed in overseas or foreign air transportation on the reverse leg of a one-way military charter in the opposite direction, and to include a blanket exemption under Part 208 authorizing supplemental carriers to engage in similar operations. Pursuant to the notice, comments have been received from six air carriers and the Department of Defense. Three carriers[1] and the Department of Defense support the proposed rule essentially for the reasons stated in the rule-making notice, two carriers[2] do not oppose the rule but propose certain conditions, and only one carrier, Pan American World Airways, Inc., opposes the proposed rule.

After consideration of all relevant matter presented, we have decided to adopt the amendments to Part 207 as proposed, for the reasons set forth in the rule-making notice. Accordingly, the tentative findings set forth in the explanatory statement to the proposed rule (EDR-115, supra) are incorporated herein by reference and made final. The proposed amendments to Part 208 are also being adopted and issued concurrently herewith (ER-516). In addition, we are concurrently amending section 25, Schedule T-41, paragraph (c), of Part 241, to make provision for reporting of military backhaul charter mileage performed by route carriers, which will henceforth be excluded from the computation of off-route charter mileage under Part 207 (ER-517).

Pan American urges that, in view of the already excessive eastbound transpacific cargo capacity resulting from the Vietnam emergency,[3] the proposed additional authority would seriously vitiate the overall development of our air transportation system by depressing the eastbound transpacific cargo rate structure, diverting traffic from the scheduled services of certificated carriers, and creating an artificial transpacific eastbound cargo market which will dissolve upon termination of the present emergency leaving the shipping public unable to cope with the impact of normal cargo rates on their pricing structures; would encourage and aggravate the present practice of illegal consolidation of individual shipments by foreign freight forwarders and shipping associations whose activities are difficult to police, and similarly would encourage illegal passenger charters involving solicitation of the general public; and would create similar detrimental effects in areas other than the Pacific, where the military emergency justification does not exist. Pan American also expresses concern that the amendments will force one-way MAC charter rates down to uneconomic levels; will result in difficulties in securing foreign landing rights for cargo charters; and will adversely affect the balance of payments problem. In the event that the Board should adopt the proposed rules, Pan American requests that backhaul charters from scheduled flights of combination carriers also be exempted from the Part 207 limitations.

Northwest proposes that the rules should be made effective only until the end of fiscal year 1968, and that a reporting requirement should be included to aid the Board's review of the impact of the expanded authority at that time. TIA, a supplemental carrier, requests that carriers certificated in the Pacific be given the right of first refusal on any backhaul charters, in order to give it some measure of protection against any and all MAC carriers performing backhaul charters.[4]

As more fully detailed in our rule-making notice, the Board is concerned that the present restrictions contribute to uneconomic utilization of equipment by prohibiting the filling of empty return flights from one-way MAC charters with commercial charter traffic which might otherwise be available. Moreover, although all carriers have been authorized to participate in military contracts, those carriers to whom the restrictions apply cannot participate in such contracts on an equal basis with carriers to whom the restrictions are inapplicable or do not constitute a meaningful limitation. So long as the minimum one-way military rates reflect the carriers' experience in securing commercial revenues on backhaul flights, those carriers who are deprived of the opportunity of obtaining such revenues by reason of the present restrictions may be induced to seek more remunerative forms of utilization of available capacity, and the military may be deprived of needed airlift capacity which otherwise would be available. The alternative would be to retain the minimum one-way military rates at needlessly high levels, and thereby in effect provide a subsidy for uneconomical utilization of equipment and windfall profits for those carriers who are not substantially limited by the present restrictions.[5] We are unable to conclude that retention of the present restrictions provides benefits which would warrant such an alternative. Accordingly, we find that the interests of the public and the national defense require that the present restrictions which may prevent certain carriers from obtaining commercial revenues on return flights of one-way military charters should be removed.

We recognize that various problems could conceivably arise in connection with the grant of the military backhaul exemptions. We further recognize the legitimate concern of foreign governments that the U.S. military requirements for one-way charters should not result in the operation of commercial charters in the reverse direction in a manner that would be disruptive of normal commercial operations. However, we are unable to conclude that the limited additional backhaul charter authority which will be granted herein would

[1] Airlift International, Inc.; Eastern Air Lines, Inc.; and The Flying Tiger Line Inc.

[2] Northwest Airlines, Inc., and Trans International Airlines Corp. (TIA).

[3] MAC cargo charters are predominantly one-way while MAC passenger charters are predominantly round trip.

[4] Flying Tiger notes that it is a practical necessity that the backhaul charter be permitted to originate at a point different from, but in the same region as, the destination of the one-way MAC charter (i.e., MAC charter destination to the Philippines, backhaul charter originating at Hong Kong). We agree that such an operation would be permitted under the amendments.

[5] We cannot agree with Pan American's contention that the effect of the proposed amendments will be to drive the one-way MAC charter rates down to uneconomic levels. On the contrary, the amendments will merely result in maintenance of rates at reasonable levels, taking account of the average experience of the carriers in obtaining a more economical utilization of equipment.

have such an effect. Should it appear, nevertheless, that the backhaul authority were to result in commercial charter operations which were disruptive of the sound development of an international air transport system, we would promptly consider amendments to the regulations to avoid such consequences.[6] More specifically, we reserve the right to condition the exemptions granted herein upon the observance of appropriate minimum rates, should it later appear to the Board that the additional authorizations have resulted in an unwarranted adverse effect on the transpacific rate structure.[7]

Despite the heavy military demand for westbound cargo charter capacity in the Pacific, arising from the Vietnam emergency, there is little reason to believe that this limited additional backhaul authorization will result in operations which would be seriously detrimental to carriers presently authorized to provide service in this area. In the first place, several of the carriers performing military cargo charter operations in the Pacific are not subject to substantial restrictions in the carriage of backhaul commercial charters under the present regulations, either because they hold certificate authority for the area, or, with respect to route carriers, because their on-route operations are so large as to obviate any meaningful volume restrictions under Part 207. Secondly, even for those carriers who would not be authorized to engage in commercial backhaul charters absent the authority granted herein, the utilization of such authorization will be limited by the necessity to schedule any commercial backhaul flights to coincide with the one-way military charter contracts.[8] Finally, there is no reason to believe that the efforts of carriers to reduce the economic waste of empty ferry legs from one-way military contracts will be directed primarily toward traffic which would be diverted from presently authorized carriers. Rather, it may be expected that a substantial portion of such traffic would constitute newly developed traffic which would not move at the higher rates of scheduled service, and which, because of the size of the shipment and timing requirements, would be able to utilize the less flexible charter services.[9]

Nor are we persuaded that the additional authorizations will result in any significant diversion from the certificated route carriers as a result of illegal consolidations and solicitations. While there may be certain difficulties in policing foreign freight forwarders and shipping associations, the same is not true with respect to the air carriers performing the service. In this connection, it is our intention to hold all carriers who may engage in commercial backhaul charters strictly accountable for assuring that their charters are not the result of cargo consolidations or passenger solicitation in violation of the charter regulations. There is, therefore, no reason to anticipate that unlawful operations under the proposed backhaul authority will become a significant problem.

As previously noted, we are contemporaneously herewith revising Schedule T-41 of CAB Form 41, "Charter and Special Services Revenue Aircraft Miles Flown," and the related instructions in paragraph (c) of section 25, Schedule T-41, Part 241, of the Economic Regulations, so as to provide for separate reporting of mileage performed in commercial backhauls to one-way military charters. In view of this reporting requirement, and the information as to commercial backhaul charters submitted in connection with the annual review of the minimum MAC charter rates, we do not believe that imposition of an additional reporting requirement is required to enable the Board to evaluate the effects of the amendments.[10] Therefore, Northwest's request for a reporting requirement will be granted only to the extent indicated.

Accordingly, the Civil Aeronautics Board hereby amends Part 207 of the Economic Regulations (14 CFR Part 207), effective December 1, 1967, by amending the definition of "off-route" in § 207.1 to read as follows:

§ 207.1 Definitions.

* * * * *

"Off-route" shall refer to any charter which is not on-route, except (1) charters performed for the Department of Defense, and (2) charters performed in overseas or foreign air transportation on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

* * * * *

(Secs. 204(a), 401(e)(6); 72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-12888; Filed, Oct. 31, 1967; 8:50 a.m.]

[Reg. ER-516, Amdt. 9]

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Military Backhaul Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1967.

On May 4, 1967, by notice of proposed rule making EDR-115 (32 F.R. 7090), the Board proposed to amend Part 208 as well as Part 207 (Charter Trips and Special Services) to include a blanket exemption under Part 208 authorizing supplemental carriers to carry commercial charters in oversea or foreign air transportation on the reverse leg of a one-way military charter in the opposite direction, and similarly to exempt such military backhaul charters performed by certificated route carriers from the off-route charter limitations of Part 207. Pursuant to the notice, comments have been received from six air carriers and the Department of Defense. Three carriers[1] and the Department of Defense support the proposed rule essentially for the reasons stated in the rule-making notice, two carriers[2] do not oppose the rule but propose certain conditions, and only one carrier, Pan American World Airways, Inc., opposes the proposed rule.

In ER-515, issued concurrently herewith, we have adopted the amendments to Part 207 as proposed. For the reasons set forth therein, and on the basis of the tentative findings set forth in the Explanatory Statement to the proposed rule (EDR-115, supra, hereby made final and incorporated by reference), we have determined that the amendments to Part 208 should also be adopted as proposed.

Accordingly, the Civil Aeronautics Board hereby amends Part 208 of the

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[6] We are not persuaded that the likelihood of such undesirable consequences is sufficiently great as to justify limiting the effectiveness of the proposed amendments to the end of fiscal year 1968 as proposed by Northwest.

[7] Furthermore, we are not here passing upon the validity of any tariff rate which may be filed in connection with such backhaul operations. Thus, any aggrieved person may, pursuant to sections 404(b) and 1002(a)(f) of the Act (49 U.S.C. 1374, 1482), file a complaint with respect to any such tariffs which may be unjustly discriminatory, unduly preferential, or unduly prejudicial. Under these circumstances, the Board should be in a position to avoid unwarranted transpacific directional rate imbalance. We are, moreover, unable to conclude that the nature of the authorizations granted herein is such as would have any significant adverse effect on the balance of payments problem.

[8] Thus, the carriers' experience for fiscal year 1966 shows that utilization of return mileage for commercial traffic averaged only 7.1 percent for passenger charters, 1.2 percent for cargo charters on jet aircraft, and 16.4 percent for cargo charters on CL-44 equipment. The relatively larger CL-44 figure represents primarily the 24.6 percent of commercial backhaul mileage by a single carrier, Flying Tiger, the other two carriers operating this equipment, Seaboard and Airlift, securing only 5.2 percent and 1.3 percent respectively.

[9] In view of our conclusion that carriers presently certificated to provide service will not be subject to serious detriment as a result of the increased authorizations, we find no need for and will not adopt TIA's proposal for first refusal rights on the part of carriers certificated in the area involved, with the substantial administrative burdens upon both the Board and the carriers that such a proposal would involve. Similarly, we shall reject as unsupported Pan American's alternative request for extending the Part 207 exemption to backhaul commercial charters performed in conjunction with scheduled flights in the opposite direction by route carriers certificated in the Pacific area.

[10] We recognize that military backhaul charters performed by supplemental carriers will not be reflected in the schedule T-41 reports. However, in view of the limited participation of the supplementals in one-way cargo charters in the Pacific, information as to their operations submitted in connection with the annual minimum MAC rate review should be sufficient.

[1] Airlift International, Inc.; Eastern Air Lines, Inc.; and The Flying Tiger Line, Inc.

[2] Northwest Airlines, Inc., and Trans International Airlines Corp. (TIA).

Economic Regulations (14 CFR Part 208), effective December 1, 1967, as follows:

1. Amend the table of contents of Part 208, to add a new Subpart B1, and a new § 208.150 thereunder, to read as follows:

Subpart B1—Provisions Relating to Military Backhaul Charters

Sec.
208.150 Military backhaul exemption.

2. Add a new Subpart B1 to Part 208, with a new § 208.150 thereunder, to read as follows:

Subpart B1—Provisions Relating to Military Backhaul Charters

§ 208.150 Military backhaul exemption.

Subject to the provisions of this part, Part 295 of this chapter, and all other applicable rules, regulations, conditions, or requirements, supplemental air carriers are hereby exempted from the provisions of section 401 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to engage in overseas or foreign "supplemental air transportation" and "transatlantic supplemental air transportation" on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

(Secs. 204(a), 416(b); 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-12889; Filed, Oct. 31, 1967; 8:50 a.m.]

[Reg. ER-517, Amdt. 14]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Charter and Special Services Revenue Aircraft Miles Flown

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of October 1967.

In ER-515 issued contemporaneously herewith, the Board adopted an amendment to Part 207 of the Economic Regulations (14 CFR Part 207—Charter Trips and Special Services), which exempts from the limitations of that part applicable to off-route charters performed by certificated route carriers, commercial charters performed in overseas or foreign air transportation on the reverse leg of a one-way military charter in the opposite direction. The annual on- and off-route charter milage performed by certificated route carriers is reported on schedule T-41 of CAB Form 41. These reports permit the computation of the off-route charter volume limitations contained in §§ 207.5 and 207.6.[1] Paragraph (c) of section 25—Schedule T-41, of Part 241, contains instructions related to this schedule, which require, inter alia, a breakdown of charter mileage between military and nonmilitary, and a further breakdown of nonmilitary charter mileage between charters performed pursuant to a special exemption,[2] and charters not performed under an exemption. In order to make provisions for reporting of military backhaul charter mileage, which will be excluded from the computation of off-route charter mileage in accordance with the amendment to Part 207 (ER-515, supra), it will be necessary to revise schedule T-41, and to amend the related instructions in paragraph (c) of section 25—Schedule T-41 of Part 241, to provide a further breakdown of nonmilitary charters. The revised schedule T-41, as it will appear pursuant to this amendment, is set forth as an attachment hereto.[3]

Military backhaul charters will be exempted from the Part 207 restrictions only upon the effective date of ER-515, supra. Accordingly, the instant amendment will be made effective on the same date, and carriers in completing the revised schedule T-41 for the calendar year 1967 should include in the "Foreign and Overseas Military Backhauls" column only mileage performed in military backhaul charters subsequent to the effective date of ER-515 and this amendment.

The foregoing amendment merely reflects a minor change in the manner of complying with an existing reporting requirement. Moreover, the revision is in implementation of a rule, adopted after full public rule making procedures, which relieves the carriers of an existing restriction. In addition, for the reasons stated, the amendment should be made effective simultaneously with that rule. Accordingly, the Board finds that notice and public procedure with respect to this amendment are unnecessary and impracticable.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective December 1, 1967, as follows:

Amend Section 25—Traffic and Capacity Elements by revising paragraph (c) of instructions for Schedule T-41 to read as follows:

Schedule T-41—Charter and Special Service Revenue Aircraft Miles Flown

* * * * *

(c) Total charter and special service revenue aircraft miles flown during the calendar year shall be reflected in this schedule by combination carriers and all-cargo carriers in the respective sections provided therefor. Such data shall be broken down to reflect revenue aircraft miles flown for: (1) The Department of Defense; and (2) all other customers subdivided into (a) operations performed under special exemption authority, (b) operations performed without such special exemptions, and (c) operations performed in overseas or foreign air transportation on the reverse legs of one-way military charters.

* * * * *

(Secs. 204(a), 401(e)(6), 407(a); 72 Stat. 743, 754 and 766, as amended; 49 U.S.C. 1324, 1371, 1377)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-12890; Filed, Oct. 31, 1967; 8:50 a.m.]

[1] Sections 207.5 and 207.6, applicable to combination and all-cargo carriers, respectively, impose an annual volume limitation on "off-route" charters of 2 percent of their "base revenue plane" miles performed during the preceding calendar year. "Base Revenue Plane Miles" is defined as "revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services." § 207.1.

[2] The present language of paragraph (c) provides for segregation of nonmilitary charter mileage, "between operations performed under special exemption from §§ 207.5 and 207.6 and those performed without such exemption." However, charter operations performed under a special exemption from section 401, unless otherwise provided, would also be excluded from the Part 207 off-route charter limitations. Accordingly, the above language will be revised to omit the specific reference to §§ 207.5 and 207.6, so as to provide, in pertinent part, for a breakdown of "operations performed under special exemption authority * * *".

[3] Attachment filed as part of original document.

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4301]

[Wyoming 2866]

WYOMING

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Garland Division, Shoshone Project:

SIXTH PRINCIPAL MERIDIAN

T. 56 N., R. 98 W.,
Sec. 26, SW¼;
Sec. 27, E½SE¼.

The areas described aggregate 240 acres in Park County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 24, 1967.

[F.R. Doc. 67-12834; Filed, Oct. 31, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 823—OFFICE OF THE REGIONAL DIRECTOR

Part 823 is republished to show the current organization of the Office of Regional Director.

Sec.
823.1 Regional Director.
823.2 Deputy Regional Director.
823.3 Assistant to Regional Director.
823.4 Regional Counsel.
823.5 Divisions.

AUTHORITY: The provisions of this Part 823 issued under 5 U.S.C. 301, 39 U.S.C. 501.

§ 823.1 Regional Director.

(a) Administers the execution of policies, regulations, and procedures governing, and takes final action within his delegated authority on, matters relating to management, operations, transportation, finance, engineering, equipment, supply, facilities, and personnel within an assigned region (except the postal inspection service, internal auditors, the mail bag equipment shops, mail bag repair centers and depositories, area supply centers, postal agency, and stamped envelope agency, equipment production specialists, contract compliance under Executive Order 11246, and other specific matters reserved to the Postmaster General and to the bureaus and offices of the national headquarters).

(b) Is responsible for the efficient management, utilization, and control of manpower, allotted funds, facilities, and equipment within the authority delegated to the region.

(c) Directs the conduct of management and operating surveys in post offices.

(d) Provides guidance and specialized assistance to post offices on mail processing, mail movement methods, and other postal operations.

(e) Exercises direct supervision over all officers and employees within the regions, except as provided in (a).

(f) Is responsible for the annual appraisal of performance and final rating of postmasters at first-class offices.

(g) Serves as deputy equal employment opportunity officer under Executive Order 10925.

(h) May administer activities of certain individuals whose responsibilities extend into other regions.

§ 823.2 Deputy Regional Director.

(a) Assists the Regional Director in the overall management of the region.

(b) Acts for the Regional Director in his absence and at his direction.

§ 823.3 Assistant to Regional Director.

(a) Assists the Regional Director in liaison with the general public, principal mail users, Members of Congress, other Federal agencies, local authorities, and others.

(b) Directs regional information activities and promulgation of postal instructions to the public.

§ 823.4 Regional Counsel.

Represents the General Counsel in furnishing a broad scope of legal services and counsel to the Regional Director, his staff, and postmasters within the region.

§ 823.5 Divisions.

(a) *Controller Division.* Responsible to the Regional Director for advice and assistance in financial management of the postal region. Advises and assists the division directors in the development of programs and resource plans; provides technical financial management guidance and assistance to the regional office and post offices; conducts program and resource analyses and accumulates, interprets, and presents financial, statistical, and economic data and advises regional officials on trends for use of resources; conducts costs and economic feasibility studies; participates in developing resource plans for postal installations; serves as the regional office liaison with the postal data centers; directs and installs cost ascertainment procedures as well as other statistical requirements of the Bureau of Finance and Administration, and provides training essential to carry out controller functions.

(1) *Accounting Programs Branch.* (i) As directed by the controller, provides technical assistance and guidance to postal officials in his region on the accounting programs. Develops, for them, principles and techniques to be used and defines legal requirements.

(ii) Serves as regional liaison official with the postal data center and with post offices in accounting matters. Provides technical guidance to postal installations on accounting functions which involve new policy or items of a controversial nature.

(iii) Directs the conduct of management appraisals of chief accountant offices in post offices. Arranges for training programs and seminars of postal accounting officials.

(iv) Monitors financial reports and statements provided by the postal data center. Evaluates and recommends appropriate changes in the reports and statements to assure that needs of the regional office for management data are fulfilled.

(v) Responsible for review and necessary action on delinquent accounts receivable when an account cannot be settled between the postal data center and the party involved.

(vi) Interprets and amplifies headquarters instructions on banking policy and procedures, representing regional controller in conferences with postmasters and commercial bank officials.

(vii) Authorizes post office cash reserves and establishment of inactive bank balances of less than $20,000.

(viii) Notifies banks and postmasters on actions taken regarding designation of banks as depositories and increase or release of collateral pledged to secure bank balances.

(ix) Conducts special studies and accomplishes projects assigned by headquarters. Provides recommendations for improvements in the Department's accounting programs.

(2) *Budget and Programs Branch.* (i) Provides guidance and participates in developing budget and program plans for the region and all postal installations and issues approved resource plans to postal installations; prepares justification of resource requirements for the postal region and establishes budgetary controls to prevent overobligation of funds.

(ii) Analyzes and interprets program and budgetary performance against plans by functional activities and postal installations and develops and submits recommendations to division directors and the Regional Director, based on the analyses, to facilitate timely and appropriate management decisions.

(iii) Analyzes and interprets financial and statistical data and advises management in measuring and controlling manpower utilization and costs.

(iv) Makes recommendations to controller regarding overall regional controllership policy, principles and standards which govern or apply to budgeting and financial reporting of the regional offices.

(v) Provides technical guidance to post offices on statistical and budget functions, including interpretative analysis of work measurement systems, all responsive to management needs, and implementation of mail count procedures; monitors and validates mail volume and man-hour usage reports.

(vi) Provides technical supervision for budget activities in postal installations to improve forecast of revenues, workload, and man-hours to permit operating budgets and targets to be more closely related to actual operations.

(vii) Participates in regional management surveys and appraisals of postal installations.

(viii) Develops, maintains, and operates a system of management information reporting, using the latest techniques in visual aids and utilizing all management data available. This reporting will form the basis of periodic management staff meetings for review of operations and status of financial condition.

(3) *Costs and Survey Branch.* (i) Directs the application of approved policies and procedures for accumulating, analyzing, and reporting costs data, cost ascertainment data, and for controlling the release of data to other agencies and the public.

(ii) Directs and participates in the installation of the cost ascertainment system at designated postal installations and maintains constant surveillance of the collection and reporting of data for all cost ascertainment offices in the regions.

(iii) Conducts economic feasibility studies required in connection with facility planning, mechanization, and revision of mail processing procedures and techniques; conducts economic evalua-

tion of installed equipment required for the development of criteria.

(iv) Performs cost surveys and "before" and "after" cost studies as required by headquarters and the regional office necessitated by changes in operations, occupancy of new buildings, or other changes.

(v) Prepares cost estimates reflecting effects of service or transportation changes.

(vi) Prepares cost estimates of proposed service changes in post offices such as transfer of working mail from mobile units to post offices, from post offices to mobile units, from one mobile unit or post office or from terminals to the sectional centers.

(vii) Performs review of contractors' claims for public law adjustments.

(viii) Participates in regional management surveys and appraisals of postal installations, as necessary.

(b) *Industrial Relations Division*—(1) *Responsibilities of Division.* (i) Assists and advises the Regional Director in all facets of personnel management necessary to provide adequate and quality employees to meet postal operations requirements in the Region.

(ii) Controls and supervises all activities and functions necessary for a progressive personnel management program and in accordance with Department policies and procedures.

(iii) Provides personnel services for the local regional headquarters office and for such other independent installations as may be assigned for such administrative support.

(iv) Maintains liaison with various Federal, State, and local agencies having dealings with postal employees in the region such as Civil Service Commission, Department of Labor, Department of Commerce, etc.

(v) Gives technical advice and assistance to postmasters, operating officials, and employees in the region on all matters involving recruitment, selection, training, and development, position ranking, testing and examination, disciplinary actions, grievances, health, safety, awards, pay administration, benefits, and labor relations.

(vi) Provides professional guidance to regional and installation officials and supervisors on equal employment, civil rights, ethical conduct, and labor relations affecting field service personnel.

(vii) Plans and directs the regional medical activities.

(viii) Inspects and evaluates the performance and staffing of personnel office activities in local post offices and other installations in the region.

(ix) Accomplishes such special projects, field tests, pilot studies, etc. as may be assigned by Department headquarters.

(x) Assures the timely and thorough accomplishment of all functions and activities assigned to the Industrial Relations Division.

(xi) Participates with the Regional Director and other regional officials on programs and plans on any phase of regional activity having personnel management implications.

(2) *Planning and Evaluation Office.* (i) Participates with regional officials in their planning activities to assure the timely and adequate provision of personnel support in such plans.

(ii) Provides Regional Director data necessary for identifying and estimating functional and budgetary requirements under the Program, Planning and Budget System.

(iii) Surveys and appraises the work of personnel offices and activities in regional installations and makes recommendations regarding their staffing and organizational needs.

(iv) Reviews contemplated procedures, policies, and regulations as requested by the Department. Conducts studies, pilot tests, etc. as directed or oversees such assignments made to specific units or sections within the industrial relations division.

(v) Reviews and follows up on inspections relative to personnel functions (Civil Service Commission, Postal Inspection, etc.) to assure that appropriate corrective actions are taken.

(3) *Employee Management Branch.* (i) Supervises and coordinates the efforts of the management/labor relations section, the employee relations section, and the safety engineer.

(ii) Responsible for the administration of the National Agreements including processing of alleged violations and serves as the central clearing point for all interpretations of those Agreements.

(iii) Keeps current on trends and policies in labor management contracts in private and public activities within the region and reports to Headquarters matters of significant import.

(iv) Administers procedures for union recognition, conduct of elections, etc.

(v) Recommends means for preventing or reducing the incidence of disciplinary actions, discrimination complaints, or grievance appeals.

(vi) Works closely with management officials as well as employee representatives to assure continuous communication and understanding of their respective roles and goals.

(vii) Chairs all regional labor-management meetings and assures the timely and thorough accomplishments of the subjects assigned to these meetings.

(viii) Represents the Regional Director on any special labor-management action or hearing.

(ix) Administratively responsible for the regional safety program and assures full support of the efforts and goals of the safety program.

(x) Responsible for representing region in all meetings with employee organization representatives concerning impasses in local negotiations, review of local agreements, informal attempts at settlement of alleged violations of the Code of Fair Labor Practices, alleged violations of local agreements and attempts at informal settlement of grievances

(a) *Management-Labor Relations Section.* (1) Coordinates the administration of the management-labor relations activities of the region.

(2) Processes union requests for recognition, conducts union elections when required and maintains records on certification of all locals.

(3) Advises postmasters on all local negotiations.

(4) Provides technical advice on negotiation impasses.

(5) Schedules periodic or special labor-management meetings.

(6) Keeps abreast of trends and policies in the labor-management field among public and private employers and advises his superior.

(b) *Employee Relations Section.* (1) Coordinates the administration of promotion, grievance, adverse action, and equal employment opportunity appeals programs in the region.

(2) Prepares analyses and makes recommendations to Regional Director on resolutions or decisions on specific grievance, and appeals as well as the broader concern of their prevention.

(3) Provides professional, authoritative advice to regional officials and postmasters on effective use of discipline, procedural correctness, role of employee representatives, employee rights, management rights, etc.

(4) Assures procedural correctness of all appeals actions and controls their processing to assure timely accomplishment.

(5) Provides advice on counseling techniques, ethical conduct, and discipline to all levels of management.

(6) Visits post offices and recommends changes to bring about effective employee relations program at local level.

(c) *Safety Section.* (1) Provides professional engineering leadership for the regional safety program including accident and fire prevention and control covering both vehicular and industrial operations.

(2) Assures that all persons who use property or equipment under the control of the Post Office Department receive training or information on the Department's safety requirements.

(3) Assures the full adoption within all levels of regional administration of national safety prevention and accident reporting requirements.

(4) Visits local officials to involve them in safety programs and to assure their full participation.

(5) Takes positive action to eliminate hazardous conditions in postal installations. Makes or causes inspections to be made and evaluates action needed.

(6) Under extreme emergency situations is authorized to temporarily discontinue the occupancy of specific quarters, temporarily discontinue work assignments or the use of certain equipment pending immediate review and resolution by higher postal authority.

(7) Reviews construction and procurement plans for compliance with safety specifications and needs.

(8) Visits post offices, inspects or causes the inspection of any or all premises and activities.

(9) Concurs in selection of safety personnel in local post offices and arranges for their training.

(10) Assures accomplishment of all reports and analyses.

(11) Assures thorough investigation of all accidents specially those involving the loss of life or limb or those of extensive monetary loss.

(12) Keeps abreast of all latest developments in safety field.

(13) Collaborates with medical personnel and other public or private officials whose work involves the safety and health of regional personnel.

(14) Arranges for periodic safety inspections and evaluations for offices without trained safety specialists.

(4) *Personnel Programs Branch.* (i) Coordinates and directs functional activities relating to: compensation, employment, awards, performance, training, and personnel administrative services.

(ii) Provides advice and guidance to management officials, employee unions, and postal personnel on the application of Federal laws and regulations relating to civilian employment programs and actions.

(iii) Provides personnel services for local regional headquarters and other independent installations assigned for administrative support.

(iv) Implements plans, projects, and programs, relating to matters within functional scope of the Branch.

(a) *Personnel Services Section.* (1) Administers the incentive awards, suggestions, performance evaluations, uniform allowances, vending machine, cafeteria, leave, retirement, health benefits, life insurance, and other fringe benefit programs for the region.

(2) Gives technical direction and authoritative interpretations on all programs assigned.

(3) Assures full support by installation heads of programs designed for management improvement and employee motivation and morale.

(4) Provides for processing of personnel transactions on Postmasters, rural carriers, headquarters personnel, and others as directed.

(5) Gives technical advice to postal officials and personnel specialists in postal installations on correct application of postal and Civil Service rules regarding transactions, maintenance of personnel records and documents, the preparation of statistics and reports, etc.

(6) Serves as central employment office for regional headquarters and keeps all personnel documents related thereto.

(b) *Manpower Resources Section.* (1) Administers programs designed to obtain best quality personnel available to meet postal needs.

(2) Develops manpower sources to assure flow of qualified applications within context of postal and civil service.

(3) Administers Civil Service examining board activities for the region.

(4) Assures full support and postive administration of such programs as Equal Employment, Employ Handicapped, Employ Women, etc.

(5) Assures sound administration of in-service promotion program and negotiated agreements thereto.

(6) Administers qualification requirements in Personnel Handbook X118–B.

(7) Coordinates placement of surplus personnel.

(c) *Compensation Section.* (1) Administers the compensation program for the region and assures compliance with laws and regulations relating thereto.

(2) Provides authoritative interpretations on the application of compensation regulations.

(3) Advises management officials of conditions influencing salary level rankings as well as factors relating to economy and efficiency of management operations.

(4) Exercises technical supervision of position rankings accomplished at installations. Recommends delegation or withdrawal of delegation to field installation heads to rank positions.

(5) Administers annual review of positions as prescribed by Headquarters.

(6) Keeps Headquarters informed of wage and cost conditions prevailing in private sector or among public agencies having impact on postal pay matters.

(d) *Training Section.* (1) Coordinates the operation of the training and development system throughout the region.

(2) Provides technical advice and assistance to postmasters and local training staffs in implementing training policies and improving the quality of training services throughout the region. (In regions where the postal data centers are located, provides comparable assistance for PDC Directors.)

(3) In coordination with other organizational units of the regional office, develops administrative systems for implementing specific servicewide training programs within the region.

(4) Assists regional and local management officials in developing specific training and programs whose application is limited to postal installations within the region.

(5) Monitors the planning and execution of training throughout the region and makes related recommendations to appropriate officials.

(6) Assists Department Headquarters in the development of new training programs or systems and in the modification of existing training programs or systems.

(7) Keeps abreast of latest developments in the field of training and development; and advises and assists in the selection, training and development of local training staffs.

(c) *Postal Operations Division*—(1) *Responsibilities of Division.* (i) Interprets and translates postal operation service requirements issued by the Department into planning guidance necessary for the developing and processing of detail plans for the postal region.

(ii) Plans, directs, and coordinates the regional postal operation services.

(iii) Advises the Regional Director as to the capability of the postal region to meet planned and assigned operation requirements.

(iv) Coordinates and recommends to the Regional Director requirements for facilities and equipment.

(v) Maintains a continuous appraisal of postal installations performance in carrying out the regional postal operation services.

(vi) Studies, develops, coordinates, and directs the installation of mail handling and workload systems and system improvements.

(vii) Coordinates, approves, and releases complements and man-hour allowances to postal installations.

(viii) Develops, coordinates, and directs the implementation of changes in organization and staffing of postal installations in accordance with Departmental policy and guidance.

(ix) Provides regional office leadership to formal Departmental and regional appraisals and surveys of postal installations.

(x) Plans and directs the regional customer relations activities.

(2) *Customer Relations Officer.* (i) Guides and coordinates the regional customer relations activities.

(ii) Investigates and recommends action on mail services complaints.

(iii) Provides customer assistance in use of ZIP Code and presorting of mail.

(iv) Assures that fringe service provided the public by postmasters are in keeping with effective customer relations practices and Departmental policy.

(3) *Methods and Plant Improvements Branch.* (i) Guides and coordinates with regional organizational elements, having a technical and functional interest, the regional effort in the determination of operating requirements as to size, location, layout, and equipments for new and modernized leased and Government-owned postal facilities, including airport mail facilities, truck terminals, vehicle maintenance facilities, post office stations and branches, and central mail handling facilities.

(ii) Directs and coordinates advanced planning for methods and plant improvements based on relative operating urgency and budgetary considerations, and as appropriate, requests inspection service space surveys.

(iii) Participates in the developing and approves budget and program plans for methods and plant improvements, and maintains status control records on methods and plant improvements.

(iv) Provides operation inputs into the finalization of plans for plant improvements and selection of equipment.

(v) Participates in site selection.

(vi) Provides methods and industrial engineering services to improve methods and procedures throughout the postal region.

(vii) Reviews and approves engineering layouts, building arrangements, etc. in methods and plant improvements to assure proper utilization of space and equipment.

(viii) Provides consultant and technical services in plant layouts, case diagram, etc. to improve work methods and procedures.

(ix) Participates in management appraisals and surveys of postal installations.

(x) Guides and provides control coordination over the developing and use of forms.

(xi) Maintains liaison with other government agencies, educational institutions and industry on advanced management and industrial engineering methods and techniques.

(4) *Organization and Standards Branch.* (i) Directs and coordinates mail operation services (includes clerk and mail handler operations, general delivery, lock box and window service requirements) for the postal region.

(ii) Develops and approves service plans.

(iii) Monitors, evaluates, reports, and settles problems encountered in the accomplishing of mail operation services.

(iv) Develops, coordinates and directs implementation of changes in organization and staffing of postal installations in accordance with Departmental policy and guidance.

(v) Reviews, coordinates with regional organizational elements having a technical and functional interest, approves and releases complement and man-hour allowances.

(vi) Directs and participates in management appraisals and surveys of postal installations.

(vii) Provides technical procedural guidance on general delivery, lock box and window service requirements.

(viii) Participates in the preparation and approves budget and program plans.

(ix) Provides comments on proposed methods and plant improvements.

(x) Installs, and administers systems of work performance and productivity evaluation.

(xi) Directs the establishment, naming, operating, and discontinuing of classified and contract stations, branches and annexes within the postal region in accordance with Departmental policy and guidance.

(xii) Performs service analyses through selected tests.

(5) *Distribution, Delivery and Vehicle Services Branch.* (i) Directs and coordinates the delivery and vehicle services of the postal region.

(ii) Develops and approves delivery and vehicle service plans.

(iii) Provides technical guidance in the accomplishing of delivery and vehicle service requirements.

(iv) Monitors, evaluates, reports, and settles problems encountered in the accomplishing of delivery and vehicle service requirements.

(v) Reviews and provides comments on organization, staffing, complement and man-hour allowances for carriers and vehicle services.

(vi) Develops and coordinates distribution and operating procedures to include the makeup, distribution, and dispatch of mail at all postal installations within the postal region.

(vii) Reviews and approves changes in city and rural routes, rural stations, assignment and use of vehicles and vehicle maintenance schedules.

(viii) Provides regional guidance on the requirements and preparation of incoming schemes.

(ix) Develops the technical aspects of the ZIP Code System, i.e., ZIP Code number assignments, local ZIP Code areas (zones), and the preparation of ZIP Code Directories.

(x) Issues criteria governing diagrams of letter cases and pouch- and sack-racks, with emphasis on the adequacy of makeup and effect on service.

(xi) Provides comments on proposed methods, case diagrams, and plant improvement plans as to affect on delivery and vehicle services.

(xii) In conjunction with schemes and routing branch, transportation division, provides technical guidance in scheme knowledge requirements for a well-qualified work force.

(xiii) Participates in management appraisals and surveys.

(xiv) Analyzes reports of delayed mail involving postal installation operating deficiencies.

(d) *Postal Service Officer Division*—(1) *Responsibilities of Director.* (i) Assists the Regional Director by directing and coordinating the activities of the postal service officers.

(ii) Develops and carries out plans for improving services provided by the postal service officers.

(iii) Participates in nationwide planning for improving the services of the postal service.

(iv) Serves the Regional Director in giving continuity to general management liaison with postmasters provided through the postal service officers.

(2) *Responsibilities of postal service officers.* Within assigned geographical areas:

(i) Provides to the Regional Director a focal point of general management liaison with postmasters on a continuous basis.

(ii) Guides and counsels postmasters on postal service matters and brings to the attention of the regional office problems and situations which require technical expertise in gaining solutions.

(iii) Serves as a source of day-to-day information on needs and performance by postal installations for the regional offices in performing their management activities.

(iv) Contributes to the Regional Director's annual appraisal of postmasters.

(v) Maintains continuous observations of the postal service activities.

(vi) Carries out special assignments of the Regional Director which may be outside geographical areas of regular duty.

(e) *Transportation Division*—(1) *Responsibilities of Division.* (i) Applies Departmental directives pertaining to transportation service requirements and provides necessary guidance for the development, processing, implementation, and operation of detailed transportation plans and programs for the postal region.

(ii) Plans, directs, and coordinates regional transportation services.

(iii) Advises the Regional Director as to the the capability of the postal region to meet planned and assigned transportation requirements.

(iv) Coordinates and recommends to the Director, Postal Operations Division, facilities, equipment, organization, and manpower under post office management needed to meet transportation requirements.

(v) Develops and maintains an integrated regional pattern for transporting all classes of mail consistent with national patterns and plans and coordinates with similar patterns in adjoining regions.

(vi) Prepares schemes and schedules governing the distribution and dispatch of mail.

(vii) Maintains liaison with common carriers; negotiates for the transportation of mail by railroads and highway vehicles and insures efficient utilization of these and air transportation, citing irregularities, imposing and recommending penalties when warranted.

(viii) Provides program and technical guidance to postmasters in planning and operation on mobile units, transfer offices, airport facilities, and truck terminals and determines the need for their establishment or discontinuance; coordinating any changes involving changes in the application or utilization of installed mail processing mechanization in accordance with 858.3 of the Postal Manual.

(ix) Coordinates transportation service and cost studies and plans with the regional controller division for appropriate guidance and inputs and to assure they are consistent with regional plans, budgets, and cost effectiveness analyses.

(2) *Mail equipment officer (Office of Director).* (i) Directs mail equipment transportation program within the region.

(ii) Plans and directs program to assure availability of containers necessary for the movement of all mail between postal installations within the region and coordinates that activity with adjoining regions.

(iii) Establishes and maintains an inventory control system which provides for the maximum utilization of mail equipment at the least possible cost and makes certain all empty mail equipment is processed and dispatched promptly at all postal installations.

(iv) Arranges for the most economical transportation of empty mail equipment between all postal installations and plants of large bulk mailers within the region and interregional when the need exists.

(v) Issues instructions on proper labeling, packing, makeup, and dispatch of surplus mail equipment and makes periodic personal visits to insure that the instructions are being carried out.

(vi) Maintains liaison with the Regional Director, director, transportation division, and all other regional officials concerned with processing and utilization of mail equipment.

(3) *Organization and training assistant (Office of Director).* (i) Conducts organization and staffing studies and provides recommendations on improving the regions capability to meet transportation requirements.

(ii) Participates in regional appraisals and surveys of post offices.

(iii) In conjunction with the training branch, develops, coordinates, and moni-

tors training for planning and implementing transportation requirements.

(iv) Assists the postal operations division and training branch in developing and implementing distribution training.

(v) Coordinates with the postal operations division the staffing and management of mobile units, transfer offices, truck terminals and air mail facilities.

(4) *Transportation Planning Branch.* (i) Provides guidance and coordination to developing transportation program and budget plans.

(ii) Analyzes, evaluates, and provides status information on progress in accomplishing transportation programs.

(iii) Directs and conducts studies to evaluate modes of transportation from standpoint of cost and effective service; recommends improvements within and between regions consistent with cost and service.

(iv) Makes surveys of changes in modes of transportation such as rail to highway, rail to air, etc., and develops plans for implementation.

(v) Develops emergency transportation plans.

(vi) Provides plans and participates in necessary studies to keep regional transportation patterns integrated with national plans.

(vii) Studies changing mail volume and flows and closely coordinates with other branches to assure best mode of transportation.

(viii) Recommends improvements based on service analysis.

(5) *Schemes and Routing Branch.* (i) Establishes general pattern and, except for local mail, determines what mail shall be distributed by all installations.

(ii) Directs manner of routing mail within region and coordinates with other regions.

(iii) Directs preparation of schemes (except city) and study maps; issues corrections.

(iv) Except for city schemes, establishes scheme knowledge requirements and directs examination program; prepares schedule of mail routes and corrections thereto.

(v) Issues pouch orders and dispatch instructions with special instructions for registered mail.

(vi) Provides guidelines for distribution training and coordinates with postal operations division on distribution manpower.

(vii) Issues instructions for proper labeling of mail. Provides technical direction to insure the quality and timeliness of production of label printing units.

(viii) Develops routing plans for large mailers.

(ix) Provides technical and functional direction to the postmaster for proper and efficient distribution in mobile units and airport mail facilities and recommends need for establishment or discontinuance of these units.

(x) Coordinates in accordance with section 858.3 of the Postal Manual any changes involving changes in the application of ulitization of installed mail processing mechanization.

(6) *Railway Transportation Branch.* (i) Directs and coordinates railway transportation services for the postal region.

(ii) Develops and approves railway transportation plans.

(iii) Monitors, evaluates, reports, and settles problems encountered in the accomplishing of railway transportation.

(iv) Coordinates and recommends facilities and equipment requirements for railway transportation—transfer offices and railway post offices. Also, coordinates and recommends manpower

(v) Supervises railroad performance and prepares railroad agreements.

(vi) Coordinates with other regions in effecting efficient transportation of mail by rail.

(vii) Provides program and technical direction to postmasters on the operation of transfer offices and determines need for establishment or discontinuance.

(viii) Investigates irregularities in rail service and recommends penalties on carriers as warranted.

(ix) Interprets Interstate Commerce Commission regulations.

(x) Maintains liaison with rail carriers concerning scheduling, railroad personnel, facilities, and protection of mail.

(xi) Inspects RPO cars for adequacy and conformity with standards.

(xii) Administers rail space basis system, exclusive of processing of claims.

(xiii) Observes the handling of mail by railway personnel in terminals and stations, and the operation of the transfer service for evaluation of carrier performance and adequacy of supervision.

(7) *Highway Transportation Branch.* (i) Directs and coordinates highway transportation services for the postal region.

(ii) Develops and approves highway transportation plans.

(iii) Monitors, evaluates, reports, and settles problems encountered in the accomplishing of highway transportation.

(iv) Coordinates and recommends facilities and equipment requirements for highway transportation—truck terminals and highway post offices. Also, coordinates and recommends manpower requirements for truck terminals.

(v) Recommends the procurement of highway transportation service, route establishments, consolidations, discontinuance, changes, and review of schedules to provide the best service at least cost.

(vi) Reviews requests for compensation adjustments under Public Laws 669 and 763, and takes action, after review by the regional controller division for claims of $1,000 or more.

(vii) Examines agreements and contracts for conformity with laws and regulations; enforces adequate protection of the mail by contractors.

(viii) Inspect HPO vehicles for adequacy and conformity with standards.

(ix) Observes operation of highway routes, the handling of mail by highway carriers, and the operation of truck terminals, to evaluate carrier performance and adequacy of service. Recommends penalties against highway carriers when warranted.

(x) Provides program and technical guidance to postmasters on highway operations and on planning and operation of truck terminals, and determines the need for their establishment or discontinuance.

(8) *Air Transportation Branch.* (i) Directs and coordinates air transportation services for the postal region.

(ii) Develops and approves air transportation plans.

(iii) Monitors, evaluates, reports, and settles problems encountered in the accomplishing of air transportation.

(iv) Coordinates and recommends facilities, equipment, and manpower requirements (except that required for distribution) for air transportation—airport mail facilities and transfer offices.

(v) Provides program and technical direction to airport mail facilities and post offices on the dispatch, receipt, and exchange of mail by air with and between air carriers.

(vi) Coordinates with other regions in air transportation of mail to secure maximum performance, effective utilization of space and weight, and improved connections, and to assist in resolving problem areas.

(vii) Investigates irregularities, delinquencies, and other deficiencies in air service; appraises results of investigations and recommends penalties against air carriers when warranted.

(viii) Interprets and directs the implementation of Civil Aeronautics Board regulations.

(f) *Engineering and Facilities Division*—(1) *Responsibilities of Division.* (i) Assists the Regional Director in administering construction, leasing, procurement and supply, and maintenance programs; and maintains program controls within delegated authority.

(ii) Forecasts, plans, and determines plant requirements.

(iii) Within delegated authority, designs Federal building extensions and improvements, and leased facilities.

(iv) Manages real estate program, renewing leases, obtaining site options, and negotiating lease contracts; inspects and accepts construction.

(v) Provides building and equipment preventive maintenance programs for Federal and leased facilities.

(vi) Provides Government vehicle maintenance guidance and technical direction to post offices; assists the training branch in implementing and improving vehicle maintenance training programs; analyzes cost control reports; and administers the vehicle disposal program.

(2) *Engineering Branch.* (i) Makes engineering studies for space and equipment requirements, sites, locations, facilities, mechanization, plant layout, and work flow and processing methods, in connection with new and modernized facility proposals.

(ii) Prepares, reviews, and approves bid and construction plans, specifica-

tions, cost estimates, and evaluations involving remodeling of existing and new postal facilities.

(iii) Inspects and recommends acceptance or rejection of new and remodeled leased buildings. Also, conducts with GSA engineers the inspection of construction and modernization of Federal postal buildings. As delegated by Headquarters, performs resident engineer technical and administrative services in connection with construction and mechanization projects initiated by Headquarters.

(iv) Conducts research and development tests and evaluations of mail processing machines and systems, including design and testing of vehicles when required by the Bureau of Research and Engineering.

(v) Directs and evaluates surveys, programs, designs, installation and tests on the need, adequacy, and operation of all building equipment. Provides technical assistance and guidance to staff members and postal officials on the operation and maintenance of utilities equipment and services.

(vi) Makes studies and prepares reports and recommendations on the utilization and efficiency of newly developed postal equipment systems and materials.

(vii) Makes studies on economics of engineering programs.

(viii) Plans and coordinates with the responsible officials of regional staff immediate and long-range engineering and capital improvement programs and priorities.

(ix) Evaluates technical suggestions under the incentive awards program.

(x) Coordinates in accordance with 858.4 any experimental development projects involving mail processing machines and equipment, having country-wide application.

(3) *Real Estate Branch.* (i) Formulates and develops long-range plans for coordinating regional realty programs with changing postal requirements.

(ii) Negotiates, commits, revises, executes, and terminates agreements for real estate facilities used by the Department under leases, rental agreements, or agreements with other Government agencies for space in Government-owned buildings.

(iii) Acquires control of real property through assignable options; recommends control through purchase, leases, contracts, condemnation, donation, or other means; approves option for advertising purposes, and assigns such options to the successful bidder.

(iv) Prepares bidding documents; assemblies bid packages including plot plan, floor plan, elevations and building requirements; and submits to interested bidders for leased postal facilities.

(v) Takes final action on deferred maintenance in leased or rented postal space and directs lessors to take corrective action.

(vi) Conducts surveys and analyses of regional land and building acquisition or rental costs, and recommends procedures whereby economy can be effected in the regional realty program.

(vii) Establishes and maintains realty project files.

(4) *Plant Maintenance Branch.* (i) Directs the operation and maintenance of buildings and building mechanical equipment; and the maintenance of postal operating equipment and vending machines.

(ii) Implements and administers policies, programs, methods, and standards for preventive maintenance, repair maintenance, maintenance inspection, and inventory management.

(iii) Reviews and approves estimates for annual and incidental allowances covering operation and maintenance of buildings and building mechanical equipment; and the maintenance of postal operating equipment and vending machines.

(iv) Recommends to local service division organizational structures and complements for maintenance of postal installations.

(v) Conducts periodic surveys of maintenance of buildings and equipment to determine the effectiveness of, and to improve, the maintenance program.

(vi) Initiates action to provide for maintenance needs at new or modernized facilities, including supplies, spare parts, and equipment.

(vii) Develops guidelines for use of postmasters in soliciting bids for contract maintenance; makes review of performance under approved contracts.

(viii) Directs the program by which representatives in field post offices perform routine and emergency repair and maintenance of building and operating equipment for surrounding areas.

(5) *Vehicle Maintenance Branch.* (i) Directs the maintenance and repair of Government-owned vehicles program.

(ii) Implements and administers policies, programs, methods, and standards for preventive maintenance, repair maintenance, vehicle inspection, and vehicle parts inventory management.

(iii) Reviews and approves estimates for annual and incidental allowances for supplies, automotive parts, and equipment used in maintenance of vehicles.

(iv) Recommends to local services division organizational structures and complements for vehicle maintenance facilities.

(v) Conducts periodic surveys of vehicle maintenance facilities in the region to determine effectiveness of, and to improve, the maintenance program.

(vi) Reviews requests for and recommends additional, new, or modernized vehicle facilities, including garage layout and equipment requirements, based on service needs.

(vii) Develops guidelines for use of postmasters in soliciting bids for contract maintenance; makes continuous review of performance under approved contracts.

(viii) Administers the vehicle disposal program; in conjunction with local services division, develops annual vehicle procurement needs.

(6) *Procurement and Supply Branch.* (i) Administers the regional procurement, supply and personal property management programs.

(ii) Approves, accomplishes and administers procurement of services, supplies and equipment; maintains liaison with GSA on matters pertaining to supply, distribution and transportation.

(iii) Develops, reviews and approves plans and funds for regional and local purchases, subject to targeting responsibilities and fund control by the regional controller.

(iv) Approves procurement, delivery criteria and schedules.

(v) Develops and issues guidelines for use by postmasters in soliciting bids for services, supplies and equipment. Reviews and approves contracts.

(vi) Exercises management control of regional office personal property and determination of requirements and inventory management of selected equipment for regional storage.

(vii) Administers the utilization of all serviceable excess and the disposal of obsolete and unserviceable personal property; arranges for transportation aspects of redistributing equipment.

(viii) Administers regional office small purchase imprest funds.

(ix) Provides training to post office personnel in contracting and procurement.

(x) Recommends to local services division the procurement and supply staffing requirements at larger post offices.

TIMOTHY J. MAY,
General Counsel.

OCTOBER 26, 1967.

[F.R. Doc. 67-12836; Filed, Oct. 31, 1967; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 204—RADIATION PHYSICS

Neutron Physics

Under the provisions of 15 U.S.C. 275 (a) and 277, the test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to the calibration of neutron sources, neutron instruments, and neutron irradiation of foils, are revised as provided herein. All fees have been revised upwards to assure full recovery of the cost of providing calibration services.

This revision, effective upon publication in the FEDERAL REGISTER, supersedes §§ 204.701, 204.702, and 204.703 of Part 204 of Title 15, Code of Federal Regulations which appeared in the FEDERAL REGISTER of January 8, 1965, at 30 F.R. 215.

NEUTRON PHYSICS

§ 204.701 Neutron sources.

Item	Description	Fee
204.701a	Determination of ratio of neutron emission rate of unknown source to primary standard in $MnSO_4$ bath or graphite column	$360.00

§ 204.702 Neutron instruments.

Item	Description	Fee
204.702a	Calibration of a set (one to three) of thermal neutron dosimeters	$110.00

§ 204.703 Neutron irradiation of foils.

Item	Description	Fee
204.703a	Activation of a set (one to four) of foils in the NBS standard thermal neutron flux geometry	$90.00

(Sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, 70 Stat. 959; 15 U.S.C. 275a)

R. S. WALLEIGH,
Acting Director.

OCTOBER 17, 1967.

[F.R. Doc. 67-12893; Filed, Oct. 31, 1967; 8:50 a.m.]

SUBCHAPTER B—STANDARD REFERENCE MATERIALS

PART 230—STANDARD REFERENCE MATERIALS

Subpart D—Standards of Certified Properties and Purity

RADIOACTIVITY STANDARDS

Under the provisions of 15 U.S.C. 275a and 277, the following amendment to Part 230 of Title 15 of the Code of Federal Regulations, relating to standard reference materials issued by the National Bureau of Standards is effective upon publication in the FEDERAL REGISTER.

Subpart D of Part 230 is amended by revising § 230.8–5, *Radioactivity standards*, to (1) combine paragraphs (b) (2) and (3) into a new paragraph (b) (2), (2) add standard reference materials 4222, 4223, and 4224 to the new paragraph (b) (2), (3) delete standard reference materials 4932–D, 4937–C, 4941–B, 4945–B, and 4946–B. Accordingly, the following amends 15 CFR Part 230:

§ 230.8–5 Radioactivity standards.

* * * * * *

(b) * * *

(2) *Beta, gamma, and electron-capture solution standards.* (i) These Standard Reference Materials are contained in flame-sealed glass ampoules. The calibration radiation listed is the radiation for which the radionuclide is intended to be used as a standard.

(ii) Standards 4944–D (iodine-125) and 4948 (cerium-praseidymium-144) can be issued only under the special licensing provisions of the Atomic Energy Act of 1954, and it is therefore required that a copy of the purchaser's current AEC Byproduct Material License be on file at the National Bureau of Standards. The activity of the other standards in the group is such that they may be ordered singly under the general licensing provisions of the Atomic Energy Act of 1954.

Sample Nos.	Radionuclide	Calibration radiation	Approximate activity or emission rate at time of calibration (month, year)	Approximate weight of solution	Price
4921–C	Sodium-22	$\beta+$	1×10^4 $\beta+$ pa/g (8/64)	3	$37.00
4922–E	Sodium-22	γ	2×10^5 $\beta+$ pa/g (3/67)	5	62.00
4222	Carbon-14 (n-hexadecane)	$\beta-$	4×10^4 dps/g (10/67)	3	50.00
4223	Carbon-14 (n-hexadecane)	$\beta-$	4×10^5 dps/g (10/67)	3	50.00
4224	Carbon-14 (n-hexadecane)	$\beta-$	4×10^6 dps/g (10/67)	3	50.00
4924	Carbon-14 (water)	$\beta-$	1×10^5 dps/g (7/58)	25	32.00
4925	Carbon-14 (benzoic acid in toluene)	$\beta-$	2×10^4 dps/g (7/58)	3	32.00
4926	Hydrogen-3 (water)	$\beta-$	9×10^5 dps/g (9/61)	25	45.00
4927	Hydrogen-2 (water)	$\beta-$	9×10^4 dps/g (9/61)	3	45.00
4929–B	Iron-55	X	2×10^4 dps/g (5/64)	3	46.00
4940	Promethium-147	$\beta-$	8×10^4 dps/g (5/61)	3	40.00
4943	Chlorine-36	$\beta-$	1×10^4 $\beta-$pa/g (1962)	3	26.00
4944–D	Iodine-125	X	1×10^5 dps/g (12/66)	5	66.00
4947	Hydrogen-3 (tritiated toluene)	$\beta-$	3×10^5 dps/g (2/64)	4	30.00
4948	Cerium-Praseodymium-144	$\beta-$	2×10^5 dps/g (12/66)	3.3	80.00

(3) [Deleted]

* * * * * *

(Sec. 9, Stat. 1450, as amended; 15 U.S.C. 277. Interprets or applies sec. 7, Stat. 959; 15 U.S.C. 275a)

Dated: October 16, 1967.

R. S. WALLEIGH,
Acting Director.

[F.R. Doc. 67-12894; Filed, Oct. 31, 1967; 8:50 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 7211 o]

PART 13—PROHIBITED TRADE PRACTICES

American Cyanamid Co. et al.

Subpart—Using patents, rights or privileges unlawfully: § 13.2485 *Using patents, rights, or privileges unlawfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modified order to cease and desist, American Cyanamid Co. et al., New York, N.Y., Docket 7211 o, Sept. 29, 1967]

In the Matter of American Cyanamid Co., a Corporation; Bristol-Myers Co., a Corporation; Bristol Laboratories, Inc., a Corporation; Chas. Pfizer & Co., Inc., a Corporation; Olin Mathieson Chemical Corp., a Corporation; and The Upjohn Co., a Corporation

Order modifying an earlier Commission order dated December 17, 1963, 29 F.R. 1379, after a rehearing on remand from the U.S. Court of Appeals for the Sixth Circuit, 363 F. 2d 757, by requiring two manufacturing chemical firms to grant to any domestic applicant nonexclusive licenses to make and sell two of their patented antibiotics and furnish such licensees certain technical information. Price-fixing charges of the complaint were dismissed.

The modified order to cease and desist, is as follows:

It is ordered that the original initial decision in this matter issued October 31, 1961, be, and it hereby is, vacated and set aside;

It is further ordered, That the findings and conclusions contained in the initial decision following remand be, and they hereby are, adopted as the findings and conclusions of the Commission as supplemented by (1) the accompanying opinion of the Commission, (2) findings 1 through 18 and 27 through 29 contained in the Commission's findings as to the Facts and Conclusions of Law issued August 8, 1963, and (3) Part II of the Commission's opinion accompanying the Final Order issued December 17, 1963.

It is further ordered, That respondent Chas. Pfizer & Co., Inc., grant to any domestic applicant making written request therefor, a nonexclusive, nondiscriminatory license to make, use, and sell tetracycline under all claims of U.S. Patent 2,699,054. Said licenses granted hereunder shall be for the full, unexpired term of said patent and shall contain no restriction or limitation, except that such licenses may contain provisions in a form customary in such patent licenses, allowing the licensor to collect royalties of not more than two and one-half (2½) percent of the net sales of tetracycline manufactured or sold under said licenses, providing for the inspection of books and records by independent auditors to determine the correctness of any royalty payment, and providing for the cancellation of the licenses at the option of the licensor upon failure of the licensee to permit such inspection or to pay royalties due and payable. Said licenses shall provide that in the case of the licensor granting or having granted more favorable terms to any other licensee, the licensee under said license shall be entitled to equal treatment: *Provided, however*, That respondent may require any such applicant to pay upon acceptance of a license an amount not

exceeding $2,500 which shall be applied against future royalty payments.

It is further ordered, That respondent American Cyanamid Co. grant to any domestic applicant making written request therefor, a nonexclusive, nondiscriminatory license under all claims of U.S. Patent 2,609,329. Said licenses granted hereunder shall be for the full, unexpired term of the patent licensed and shall contain no restriction or limitation on the licensee's right to make and sell tetracycline, except that such licenses may contain provisions, in a form customary in such patent licenses, allowing the licensor to collect royalties of not more than two and one-half (2½) percent of the net sales of tetracycline manufactured under said licenses, providing for the inspection of books and records by independent auditors to determine the correctness of any royalty payment, and providing for the cancellation of the licenses at the option of the licensor upon failure of the licensee to permit such inspection or to pay royalties due and payable. Said licenses shall provide that in the case of the licensor granting or having granted more favorable terms to any other licensee, the licensee under said license shall be entitled to equal treatment: *Provided, however,* That respondent may require any such applicant to pay an amount not exceeding $2,500 which shall apply against future royalty payments under any patent or patents licensed hereunder.

It is further ordered, That respondents Chas. Pfizer & Co., Inc., and American Cyanamid Co. each refrain from making any assignment, sale, or other disposition of any of the patents required to be licensed hereunder which would deprive it of the power to issue licenses pursuant to this order unless said respondent requires as a condition of such disposition that the purchaser, assignee, or licensee shall observe the provisions of this order with respect to such patent and that the purchaser, assignee, or licensee file with the Commission a written undertaking to be bound by such provisions: *Provided, however,* That one or both of said respondents may dedicate any such patent, patents, or a general patent license to the general public in lieu of issuing licenses, pursuant to the provisions of this order.

It is further ordered, That respondent American Cyanamid Company furnish to any person licensed under this order, and making written request therefor, whatever technical information and know-how that American Cyanamid Co. has in the past furnished Chas. Pfizer & Co., Inc., relating to the manufacture and use of chlortetracycline, said technical information and know-how to include a furnishing of viable S. aureofaciens cultures that are identical to or equivalent to any cultures furnished Chas. Pfizer & Co., Inc. The information to be made available hereunder shall be made available without charge other than the expense to respondent of furnishing such information: *Provided, however,* That respondent American Cyanamid Co. may require any such licensee to agree to keep said technical information and know-how confidential.

It is further ordered, That respondent Chas. Pfizer & Co., Inc., furnish to any person licensed under U.S. Patent 2,699,054 pursuant to this order, and making written request therefor, whatever technical information and know-how that Chas. Pfizer & Co., Inc., has in the past furnished American Cyanamid Co. relating to the manufacture of tetracycline by the deschlorination process. The information to be made available hereunder shall be made available without charge other than the expense to respondent of furnishing such information: *Provided, however,* That respondent Chas. Pfizer & Co., Inc., may require any such licensee to agree to keep said technical information and know-how confidential.

It is further ordered, That respondents American Cyanamid Co. and Chas. Pfizer & Co., Inc., shall within sixty (60) days after the effective date of this order file with the Commission a written description of the know-how and technical information required to be furnished under paragraphs 6 and 7.

It is further ordered, That that portion of the complaint charging respondents with fixing prices be, and it hereby is, dismissed.

It is further ordered, That respondents American Cyanamid Co. and Chas. Pfizer and Co., Inc., each shall file with the Commission within sixty (60) days after the effective date of this order, a report in writing under oath, signed by each respondent, setting forth in detail the manner and form of its compliance with this order.

Issued: September 29, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-12629; Filed, Oct. 31, 1967; 8:46 a.m.]

[Docket No. C-1260]

PART 13—PROHIBITED TRADE PRACTICES

Jo Rich Originals, Inc., and Jack Rich

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–30 Flammable Fabrics Act; 13.1053–80 Textile Fiber Products Identification Act. Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.* Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely;* 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–80 Textile Fiber Products Identification Act; § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70(1) Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 67 Stat. 111, as amended; 72 Stat. 1717; 15 U.S.C. 45, 1191, 70) [Cease and desist order, Jo Rich Originals, Inc., et al., Miami, Fla., Docket C-1260, Oct. 9, 1967]

Consent order requiring a Miami, Fla., manufacturer of women's clothes to cease misbranding its textile fiber products, failing to maintain required records, furnishing false guaranties, and misrepresenting that the textiles are imported.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Jo Rich Originals, Inc., a corporation, and its officers, and Jack Rich, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Failing to maintain and preserve for at least 3 years proper records showing the fiber content of the textile fiber products manufactured by said respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Jo Rich Originals, Inc., a corporation, and its officers, and Jack Rich, individually and as an officer of said corporation and respondents' representatives, agents

and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That respondents Jo Rich Originals, Inc., a corporation, and its officers, and Jack Rich, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty under the Flammable Fabrics Act, that any fabric is not, under the provisions of section 4 of the said Act, so highly flammable as to be dangerous when worn by individuals, when respondents have reason to believe such fabric may be introduced, sold, or transported in commerce.

It is further ordered, That respondents Jo Rich Originals, Inc., a corporation, and its officers, and Jack Rich, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of textile fiber products or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting on labels, or on any documents relating to the sale of their products, or in any other manner, that said products are imported.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: October 9, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-12830; Filed, Oct. 31, 1967; 8:46 a.m.]

[Docket No. 8696 o]

PART 13—PROHIBITED TRADE PRACTICES

S & S Pharmaceutical Co., Inc., et al.

Subpart—Shipping, for payment demand, goods in excess of or without order: § 13.2195 *Shipping, for payment demand, goods in excess of or without order.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, S & S Pharmaceutical Co., Inc., et al., North Miami Beach, Fla., Docket 8696 o, Oct. 9, 1967]

Order requiring a North Miami Beach, Fla., distributor of a weight-reducing preparation to cease making unordered shipments to retail druggists and using their names in advertising without prior authorization.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents S & S Pharmaceutical Co., Inc., a corporation, and its officers, and Samuel Fox, individually, and Samuel Fox and Seymour Rosen, as officers of said corporation, and respondents' officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of "Galaxon" or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Shipping or sending any merchandise to any retail establishment without having previously obtained the written and express authorization or consent to the complete terms and conditions of sale or consignment, and resale, of any merchandise by the person, company, or corporation to whom such merchandise is sent.

2. Placing any newspaper advertisement, or causing the dissemination of an advertisement in any other manner, for the purpose of publicizing such product, which advertisement uses the name of any drug store or retail establishment without having previously obtained the written and express authorization or consent of the druggist or retail establishment whose name appears in the advertisement.

It is further ordered, That the complaint be, and the same hereby is, dismissed against respondent Seymour Rosen in his individual capacity.

It is further ordered, That respondents S & S Pharmaceutical Co., Inc., and Samuel Fox shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 9, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-12831; Filed, Oct. 31, 1967; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-Ethyl Hexahydro-1H-Azepine-1-Carbothioate

A petition (PP 7F0616) was filed with the Food and Drug Administration by the Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing the establishment of tolerances for negligible residues of the herbicide *S*-ethyl hexahydro-1H-azepine-1-carbothioate in or on the raw agricultural commodities rice and rice straw at 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which the tolerances are being established.

Based on consideration given the data submitted in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.228 *S*-Ethyl hexahydro-1H-azepine-1-carbothioate; tolerances for residues.

Tolerances are established for negligible residues of the herbicide *S*-ethyl hexahydro-1H-azepine-1-carbothioate in or on the raw agricultural commodities rice and rice straw at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: October 25, 1967.

J. K. KIRK, *Associate Commissioner for Compliance.*

[F.R. Doc. 67-12879; Filed, Oct. 31, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 7B2188) filed by Amoco Chemicals Corp., 130 East Randolph Drive, Chicago, Ill. 60601, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional monomer, dimethyl-α-methylstyrene, in polymers used in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of components a new subitem under the item "Polymers: Homopolymers * * *," as follows:

§ 121.2520 Adhesives.

* * * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Polymers: Homopolymers * * *	
* * *	* * *
Dimethyl-α-methylstyrene	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 25, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12880; Filed, Oct. 31, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1987) filed by General Aniline and Film Corp., 140 West 51st Street, New York, N.Y. 10020, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional optional substance, as set forth below, as an emulsifier in polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2541(c) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2541 Emulsifiers and/or surface-active agents.

* * * * * *

(c) List of substances:

	Limitations
* * *	* * *
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly (oxyethylene) sulfate, ammonium or sodium salt; the nonyl group is a propylene trimer isomer and the poly (oxyethylene) content averages 4 moles.	For use only as an emulsifier at levels not to exceed 3 percent by weight in polymeric coatings that contact food under conditions of use B, C, D, E, F, G, or H described in table 2 of § 121.2526(c). The weight of the finished polymeric coating shall not exceed 2 milligrams per square inch of food-contact surface.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 25, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12881; Filed, Oct. 31, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS FOR POLYOLEFIN FILMS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1983) filed by Polymer Industrie Chimiche Societa per Azioni, Largo Guido Donegani, 1-2 Milano, Italy, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of two additional substances, specified below, in resinous and polymeric food-contact coatings for polyolefin films. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2569(b)(3)(i) is amended by alphabetically inserting in the list of substances, two new items, as follows:

§ 121.2569 Resinous and polymeric coatings for polyolefin films.

* * * * * *

(b) * * *

(3) * * *

List of substances	*Limitations*
(i) * * *	* * *
4,4'-Isopropylidenediphenol-epichlorohydrin, average molecular weight 900.	
* * *	* * *
Polyethylenimine.	For use only as a primer subcoat to anchor epoxy surface coatings to the base sheet.
* * *	* * *

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the

objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 25, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12883; Filed, Oct. 31, 1967; 8:50 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PARTIAL PHOSPHORIC ACID ESTERS OF POLYESTER RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1786) filed by the Microbiological and Biochemical Center, Syracuse University Research Corp., 1075 Comstock Avenue, Syracuse, N.Y. 13210, and other relevant material, has concluded that the food additive regulations should be amended to provide for use of partial phosphoric acid esters of polyester resins as food-contact coatings on aluminum. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2601 Partial phosphoric acid esters of polyester resins.

Partial phosphoric acid esters of polyester resins identified in this section and applied on aluminum may be safely used as food-contact coatings, in accordance with the following prescribed conditions:

(a) For the purpose of this section, partial phosphoric acid esters of polyester resins are prepared by the reaction of trimellitic anhydride with 2,2-dimethyl-1,3-propanediol followed by reaction of the resin thus produced with phosphoric acid anhydride to produce a resin having an acid number of 81 to 98 and a phosphorus content of 4.05 to 4.65 percent by weight.

(b) The coating is chemically bonded to the metal and cured at temperatures exceeding 450° F.

(c) The finished food-contact coating, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use, as determined from tables 1 and 2 of § 121.2514(d), yields total extractives in each extracting solvent not to exceed 0.3 milligrams per square inch of food-contact surface, as determined by the methods described in § 121.2514(e), and the coating yields 2,2-dimethyl-1, 3-propanediol in each extracting solvent not to exceed 0.3 micrograms per square inch of food-contact surface. In testing the finished food-contact articles, a separate test sample is to be used for each required extracting solvent.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 25, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12882; Filed, Oct. 31, 1967; 8:49 a.m.]

SUBCHAPTER C—DRUGS

PART 133—DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

Medicated Premixes; Manufacturing Practices and Controls

In the FEDERAL REGISTER of May 17, 1966 (31 F.R. 7185), the Commissioner of Food and Drugs proposed that Part 133 be amended by the addition of regulations to establish criteria for current good manufacturing practice in the manufacture, processing, packing, and holding of medicated premixes for use in the manufacture of medicated feeds, to effect compliance with section 501(a)(2)(B) of the Federal Food, Drug, and Cosmetic Act. A period of 60 days was provided for filing comments on the proposal and this time was extended to August 17, 1966, as announced in the FEDERAL REGISTER of July 23, 1966 (31 F.R. 10039).

The numerous comments received in response to the proposal have been considered, and it is concluded that the proposed regulations, with some of the suggested changes incorporated, should be issued as set forth below. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(2)(B), 701(a), 52 Stat. 1050, as amended 76 Stat. 780, 781; 52 Stat. 1055; 21 U.S.C. 351(a)(2)(B), 371(a)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 133 is amended in the following respects:

1. Section 133.1(c) is revised to read as follows:

§ 133.1 Definitions.

* * * * *

(c) As used in this Part 133:

(1) The term "medicated feed" means any "complete feed," "feed additive supplement," or "feed additive concentrate," as defined in § 121.200 of this chapter, which feed contains one or more drugs as defined in section 201(g) of the act. Medicated feeds are subject to §§ 133.100–133.110, inclusive.

(2) The term "medicated premix" means a substance that meets the definition in § 121.200 of this chapter for a "feed additive premix," except that it contains one or more drugs as defined in section 201(g) of the act and is intended for manufacturing use in the production of a medicated feed. Medicated premixes are subject to §§ 133.200–133.210, inclusive.

2. The following new sections are added under the center heading indicated:

MEDICATED PREMIXES; MANUFACTURING PRACTICE

Sec.

133.200 Current good manufacturing practice.
133.201 Buildings.
133.202 Equipment.
133.203 Personnel.
133.204 Components.
133.205 Master-formula and batch-production records.
133.206 Production and control procedures.
133.207 Packaging and labeling.
133.208 Laboratory controls.
133.209 Distribution records.
133.210 Complaint files.

AUTHORITY: §§133.200–133.210 issued under secs. 501(a)(2)(B), 701(a), 52 Stat. 1050, as amended, 76 Stat. 780, 781; 52 Stat. 1055; 21 U.S.C. 351(a)(2)(B), 371(a).

MEDICATED PREMIXES; MANUFACTURING PRACTICE

§ 133.200 Current good manufacturing practice.

The criteria in §§ 133.201–210, inclusive, shall apply in determining whether the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or holding of a medicated premix conform to or are operated or administered in conformity with current good manufacturing practice to assure that a medicated premix meets the requirements of the act as to safety, and has the identity and strength, and meets the quality and purity characteristics which it purports or is represented to possess, as required by section 501(a)(2)(B) of the act. The regulations in this Part 133 permit the use of precision, automatic, mechanical, or electronic

equipment in the production of a medicated premix when adequate inspection and checking procedures or other quality control procedures are used to assure proper performance.

§ 133.201 Buildings.

Buildings in which medicated premixes are manufactured, processed, packaged, labeled, or held shall be maintained in a clear and orderly manner and shall be of suitable size, construction and location in relation to surroundings to facilitate maintenance and operation for their intended purpose. The building shall:

(a) Provide adequate space for the orderly placement of equipment and materials used in any of the following operations for which they are employed to minimize risk of mixups between different medicated premixes, their components, packaging, or labeling:

(1) The receipt, sampling, control, and storage of components.

(2) Manufacturing and processing operations performed on the medicated premix.

(3) Packaging and labeling operations.

(4) Storage of containers, packaging materials, labeling, and finished products.

(5) Control laboratory operations.

(b) Provide adequate lighting and ventilation, and when necessary for the intended production or control purposes, adequate screening, dust and temperature controls, to avoid contamination of medicated premixes, and to avoid other conditions unfavorable to the safety, identity, strength, quality, and purity of the raw materials and medicated premixes before, during, and after production.

(c) Provide for adequate washing, cleaning, toilet, and locker facilities.

Work areas and equipment used for the production of medicated premixes or for the storage of the components of medicated premixes shall not be used for the production, mixing, or storage of finished or unfinished insecticides, fungicides, rodenticides, or other pesticides or their components unless such materials are recognized as approved drugs intended for use in animal feeds.

§ 133.202 Equipment.

Equipment used for the manufacture, processing, packaging, bulk shipment, labeling, holding, or control of medicated premixes or their components shall be maintained in a clean and orderly manner and shall be of suitable design, size, construction, and location to facilitate maintenance and operation for its intended purpose. The equipment shall:

(a) Be so constructed that any surfaces that come into contact with medicated premixes are suitable, in that they are not reactive, additive, or absorptive to an extent that significantly affects the identity, strength, quality, or purity of the medicated premix or its components.

(b) Be so constructed that any substance required for the operation of the equipment, such as lubricants, coolants, etc., may be employed without hazard of becoming an unsafe additive to the medicated premix.

(c) Be constructed to facilitate adjustment, cleaning, and maintenance, and to assure uniformity of production and reliability of control procedures and to assure the exclusion from medicated premixes of contamination, including cross-contamination from manufacturing operations.

(d) Be suitably grounded electrically to prevent lack of uniform mixing due to electrically charged particles.

(e) Be of suitable size and accuracy for use in any intended measuring, mixing, or weighing operations.

§ 133.203 Personnel.

The key personnel and any consultants involved in the manufacture and control of the medicated premix shall have a background of appropriate education or appropriate experience or combination thereof for assuming responsibility to assure that the medicated premix has the proper labeling and the safety, identity, strength, quality, and purity that it purports to possess.

§ 133.204 Components.

(a) Drug components, including undiluted drugs and any intermediate mixes containing drugs used in the manufacture and processing of medicated premixes, shall be received, examined or tested, stored, handled, and otherwise controlled in a manner to maintain the integrity and identification of such articles. Appropriate receipt and inventory records shall be maintained for 2 years, and such records shall show the origin of any drug components, the manufacturer's control number (if any), the dates and batches in which they were used, and the results of any testing of them.

(b) Nondrug components shall be stored and otherwise handled in a manner to avoid contamination, including cross-contamination from manufacturing operations.

§ 133.205 Master-formula and batch-production records.

(a) For each medicated premix, master-formula records shall be prepared, endorsed, and dated by a competent and responsible individual and shall be independently checked, reconciled, endorsed, and dated by a second competent and responsible individual. The record shall include:

(1) The name of the medicated premix and a specimen copy of its label.

(2) The weight or measure of each ingredient, adequately identified, to be used in manufacturing a stated weight of the medicated premix.

(3) A complete formula for each batch size, or of appropriate size in the case of continuous systems to be produced from the master-formula record, including a complete list of ingredients designated by names or codes sufficiently specific to indicate any special quality characteristic; an accurate statement of the weight or measure of each ingredient, except that reasonable variations may be permitted in the amount of ingredients necessary in the preparation of the medicated premix, provided that the variations are stated in the master formula; an appropriate statement concerning any calculated excess of an ingredient; and a statement of the theoretical yield.

(4) Manufacturing instructions for each type of medicated premix produced on a batch or continuous operation basis, including mixing steps and mixing times that have been determined to yield an adequately mixed medicated premix; and in the case of medicated premixes produced by continuous production run, any additional manufacturing directions including, when indicated, the settings of equipment that have been determined to yield an adequately mixed medicated premix of the specified formula.

(5) Control instructions, procedures, specifications, special notations, and precautions to be followed.

(b) A separate batch-production and control record shall be prepared for each batch or run of medicated premix produced and shall be retained for at least 2 years after distribution by the manufacturer has been completed. The batch-production and control record shall include:

(1) Product identification, date of production, and endorsement by a competent and responsible individual.

(2) Records of each step in the manufacturing, packaging, labeling, and controlling of the batch, including dates, specific identification of drug components used, weights or measures of all components, laboratory-control results, mixing times, and the endorsements of the individual actively performing or the individual actively supervising or checking each step in the operation.

(3) A batch number that permits determination of all laboratory-control procedures and results on the batch and all lot or control numbers appearing on the labels of the medicated premix.

§ 133.206 Production and control procedures.

Production and control procedures shall include all reasonable precautions, including the following, to assure that the medicated premixes produced have the identity, strength, quality, and purity they purport to possess:

(a) Each critical step in the process, such as the selection, weighing, and measuring of components; the addition of drug components during the process; weighing and measuring during various stages of the processing; and the determination of the finished yield, shall be performed by one or more competent, responsible individuals. If such steps in the processing are controlled by precision, automatic, mechanical, or electronic equipment, their proper performance shall be adequately checked by one or more competent, responsible individuals.

(b) All containers to be used for undiluted drugs, drug components, intermediate mixtures thereof, and medicated premixes shall be received, adequately identified, and properly stored and han-

dled in a manner adequate to avoid mixups and contamination.

(c) Equipment, including dust-control and other equipment, such as that used for holding and returning recovered or flush-out materials back into production, shall be maintained and operated in a manner to avoid contamination of the medicated premixes and to insure the integrity of the finished product.

(d) Competent and responsible personnel shall check actual against theoretical yield of a batch of medicated premix, and, in the event of any significant discrepancies, key personnel shall prevent distribution of the batch in question and other associated batches of medicated premixes that may have been involved in a mixup with it.

(e) Adequate procedures for cleaning of those parts of storage, mixing conveying and other equipment coming in contact with the drug component of the medicated premix shall be used to avoid contamination of medicated premixes.

(f) If there is sequential production of batches of a medicated premix containing the same drug component (or components) at the same or lower levels, there shall be sufficient safeguards to avoid any buildup above the specified levels of the drug components in any of the batches of the medicated premix.

(g) Production and control procedures shall include provision for discontinuing distribution of any medicated premix found by the assay procedures, or other controls performed, to fail to conform to appropriate specifications. Distribution of subsequent production of such medicated premix shall not begin until it has been determined that proper control procedures have been established.

§ 133.207 Packaging and labeling.

(a) Packaging and labeling operations shall be adequately controlled:

(1) To assure that only those medicated premixes that have met the specifications established in the master-formula records shall be distributed.

(2) To prevent mixups during the packaging and labeling operations.

(3) To assure that correct labeling is employed for each medicated premix.

(4) To identify medicated premixes with lot or control numbers that permit determination of the history of the manufacture and control of the batch of medicated premix.

(b) Packaging and labeling operations shall provide:

(1) For storage of labeling in a manner to avoid mixups.

(2) For careful checking of labeling for identity and conformity to the labeling specified in the batch-production records.

(3) For adequate control of the quantities of labeling issued for use with the medicated premix.

(c) Medicated premixes shall be distributed in suitable containers to insure the safety, identity, strength, and quality of the finished product.

§ 133.208 Laboratory controls.

Laboratory controls shall include the establishment of adequate specifications and test procedures to assure that the drug components and the medicated premixes conform to appropriate standards of identity, strength, quality, and purity. Laboratory controls shall include:

(a) The establishment of master records containing appropriate specifications and a description of the test proceduers used to check them for each kind of drug component used in the manufacture of medicated premixes. This may consist of the manufacturer's or supplier's statement of specifications and methods of analyses.

(b) The establishment of specifications for medicated premixes and a description of necessary laboratory test procedures to check such specifications.

(c) Assays which shall be made of representative samples of finished medicated premixes in accordance with the following schedule:

(1) Each batch of a medicated premix manufactured from an undiluted drug shall be assayed for its drug component(s).

(2) In the case of medicated premixes which are manufactured by dilution of medicated premix(es) assayed in accordance with subparagraph (1) of this paragraph, each batch shall be assayed for its drug component(s) with the first five consecutive batches assaying within the limitations, followed thereafter by assay of representative samples of not less than 5 percent of all batches produced. When any batch does not assay within limitations, each batch should again be assayed until five consecutive batches are within limitations.

(d) A determination establishing that the drug components remain uniformly dispersed and stable in the medicated premix under ordinary conditions of shipment, storage, and use. This may consist of a determination on a medicated premix of substantially the same formula and characteristics. Suitable expiration dates shall appear on the labels of the medicated premixes when needed to assure that the articles meet the appropriate standards of identity, strength, quality, and purity at the time of use.

(e) Adequate provision to check the reliability, accuracy, and precision of any laboratory test procedure used. The official methods in "Methods of Analysis of the Association of Official Analytical Chemists," methods described in an official compendium, and any method submitted as a part of a food additive petition or new-drug application that has been accepted by the Food and Drug Administration shall be regarded as meeting this provision.

(f) Provision for the maintenance of the results of any assays, including dates and endorsement of analysts. Such records shall be retained in the possession of the manufacturer and shall be maintained for a period of at least 2 years after distribution by the manufacturer of the medicated premix has been completed.

§ 133.209 Distribution records.

Complete records shall be maintained for each shipment of medicated premixes in a manner that will facilitate the recall, diversion, or destruction of the medicated premix, if necessary. Such records shall be retained for at least 2 years after the date of the shipment by the manufacturer and shall include the name and address of the consignee, the date and quantity shipped, and the manufacturing dates, control numbers, or marks identifying the medicated premix shipped.

§ 133.210 Complaint files.

Records shall be maintained for a period of 2 years of all written or verbal complaints concerning the safety or efficacy of each medicated premix. Complaints shall be evaluated by competent and responsible personnel and, where indicated, appropriate action shall be taken. The record shall indicate the evaluation and the action.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER.

(Secs. 501(a)(2)(B), 701(a), 52 Stat. 1050, as amended 76 Stat. 780, 781; 52 Stat. 1055; 21 U.S.C. 351(a)(2)(B), 371(a))

Dated: October 24, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-12884; Filed, Oct. 31, 1967; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 66—RELEASE OF INFORMATION FROM MEDICAL RECORDS

The Deputy Secretary of Defense has approved the following revision to Part 66:

Sec.
66.1 Purpose.
66.2 Applicability.
66.3 Policy.

AUTHORITY: The provisions of this Part 66 issued under 5 U.S.C. 301, 552.

§ 66.1 Purpose.

This part establishes Department of Defense policy governing the release of information from medical records by the Secretaries of the Military Departments and Directors of Defense Agencies, or their designees for this purpose. These include the medical records of present and former members of the Armed Forces, other individuals treated in military medical facilities, and such other medical records as may have been deposited with the DoD by other Federal and State agencies. Release of information from medical records which are properly included in official personnel folders of civilian employees is governed by the provisions of subchapter 1, chapter 339, Federal Personnel Manual.

§ 66.2 Applicability.

The provisions of this part apply to the Military Departments and Defense Agen-

cies (hereinafter referred to collectively as "DoD components").

§ 66.3 Policy.

(a) *Release to the public.* Information contained in medical records of individuals who have undergone medical examination or treatment is personal to the individual and is therefore considered confidential. Consequently, information from such medical records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, should not be made available to the public (see 5 U.S.C. 552, and DoD Directive 5400.7 (32 F.R. 9666)).

(b) *Release to the individual concerned.* If an individual requests information from his medical record, it shall be released to him unless, in the opinion of the releasing authority, it might prove injurious to his physical or mental health. In such an event, and where the circumstances indicate it to be in his best interests, the individual shall be requested to authorize the release of the information to his next of kin, legal representative, or personal physician, as appropriate.

(c) *Release to representatives of the individual concerned.* Medical information shall be released to authorized representatives of the individual concerned, upon the written request of the individual or his legal representative. If the individual concerned is mentally incompetent, insane, or deceased, the next of kin or legal representative must authorize, in writing, the release of the individual's medical records.

(d) *Release to other government departments and agencies.* Medical information shall be released, upon request, to other departments and agencies which have a proper and legitimate need for the information.

(1) Should the releasing authority have doubts as to whether the requesting department has a proper and legitimate need for the information, the latter will be requested to specify the purpose for which the medical information will be used. In appropriate cases, the requesting department will be advised that the information will be withheld until it obtains the written consent of the individual concerned.

(2) In honoring proper requests, the releasing authority shall disclose only that information which is germane to the request. The following are representative instances where other departments and agencies, both Federal and State, may have a proper and legitimate need for the information.

(i) Medical information is required in order to process a governmental action involving the individual whose medical record is sought. (The Veterans' Administration and the Bureau of Employee's Compensation process claims in which the claimant's medical history is relevant.)

(ii) Medical information is required in furtherance of the treatment to an individual in the department's custody. (Federal and State hospitals and prisons may need the medical history of their patients and inmates.)

(e) *Release to medical research or scientific organizations.* Medical information shall be released, upon the request of medical research or scientific organizations or other qualified researchers when, in the opinion of the releasing authority, release of the requested information is in the public interest. Where possible, names of parties should be deleted. The requesting organization or individual shall be advised that the information must be held in confidence and that any published reports resulting from such study shall not identify in any way the individuals whose medical records were examined.

(f) *Release to Federal or State courts or other administrative bodies.* (1) The foregoing limitations are not intended to preclude compliance with lawful court orders calling for the production of medical records in connection with civil litigation or criminal proceedings, nor to preclude release of information from medical records when required by law.

(2) Whenever the releasing authority has doubts as to whether the supoena or other compulsory process has been issued by a court of competent jurisdiction or by a responsible officer of any agency or body having power to compel production, the Judge Advocate General (or other cognizant legal officer) shall be consulted.

(g) *Copies of medical records.* Upon request, an individual or his authorized representative entitled to have access to medical records, will be furnished copies of the individual's medical records.

Effective date and implementation. This part is effective ninety (90) days from the date of issuance. Within sixty (60) days of the effective date of this part, three (3) copies of proposed implementing regulations shall be submitted to the Assistant Secretary of Defense (Manpower) for approval. Immediately upon issuance three (3) copies of each implementing regulation shall be forwarded to the Assistant Secretary of Defense (Manpower).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-12819; Filed, Oct. 31, 1967; 8:45 a.m.]

PART 127—INVOLUNTARY ORDER TO ACTIVE DUTY OF THE READY RESERVE

The Deputy Secretary of Defense approved the following revision to Part 127, on October 3, 1967:

Sec.
127.1 Purpose.
127.2 Applicability.
127.3 Statutory provisions.
127.4 Policy.

AUTHORITY: The provisions of this Part 127 issued under Title 5, U.S.C. sec. 301.

§ 127.1 Purpose.

This part describes uniform policy for the involuntary order to active duty of units and members of the Ready Reserve under sections 672, 673, 673a, 2105, 2107, 4348, 6959, and 9348, Title 10, U.S.C.; Title I, Public Law 89-687, dated October 15, 1966; Public Law 90-40, dated June 30, 1967; and Executive Order 11366, dated August 4, 1967.

§ 127.2 Applicability.

The provisions of this part apply to the Military Departments in the employment of authority contained in the references cited in § 127.1 to order units and members of the Ready Reserve to active duty without their consent.

§ 127.3 Statutory provisions.

(a) *Section 673, Title 10, United States Code.* In time of national emergency declared by the President after January 1, 1953, or when otherwise authorized by law, section 673(a) provides that an authority designated by the Secretary concerned may, without the consent of the persons concerned, order any unit, and any member not assigned to a unit organized to serve as a unit, in the Ready Reserve under the jurisdiction of that Secretary to active duty (other than for training) for not more than twenty-four (24) consecutive months. Section 673(c) provides that not more than 1,000,000 members of the Ready Reserve may be on active duty (other than for training) without their consent, under this section at any one time.

(b) *Title I, Public Law 89-687, October 15, 1966.* Subsection (e) of Title I, Public Law 89-687, October 15, 1966 provides that notwithstanding any other provision of law, until June 30, 1968, the President may, when he deems it necessary, order to active duty any unit of the Ready Reserve of an Armed Force for a period not to exceed twenty-four (24) months.

(c) *Section 673a, Title 10, United States Code.* Provides under sections 672, 673, 673a, 2105, 2107, 4348, 6959, and 9348, Title 10, United States Code and Executive Order 11366, dated August 4, 1967, that certain individual reservists who are not satisfactorily fulfilling their military obligation are subject to being involuntarily ordered to active duty for up to twenty-four (24) months.

(d) *Sections 2105, 2107, 4348, 6959, and 9348, Title 10, United States Code.* Provides authority for the Secretary of the Military Department concerned to order to active duty in his enlisted grade or rating any member of ROTC advanced training, ROTC cadet, ROTC midshipman, Service Academy cadet or Service Academy midshipman, who does not complete the prescribed course of instruction, or who completes the course of instruction but declines to accept a commission when offered. The Secretary may prescribe the period of active duty but in the case of the ROTC member this period may not exceed 2 years, and in the case of ROTC and Service Academy cadets or midshipmen, this period may not exceed 4 years.

§ 127.4 Policy.

(a) *Exercise of authority; general.* (1) The authority contained in § 127.3 (a)

and (b) to order units or members of the Ready Reserve involuntarily to active duty shall be exercised only on direction of the President.

(2) The authority contained in § 127.3(c) shall be exercised as prescribed by Executive Order 11366.

(3) The authority contained in § 127.3(d) shall be exercised by the Secretaries of the Military Departments as prescribed by sections 672, 673, 673a, 2105, 2107, 4348, 6959, and 9348, Title 10, United States Code.

(b) *Section 673, Title 10, United States Code.* (1) The authority contained in section 673(a) of Title 10, U.S. Code to order units or members of the Ready Reserve involuntarily to active duty shall be exercised by an authority designated by the Secretary concerned only in time of national emergency declared by the President, or when otherwise authorized by law.

(2) Where the nature of the situation permits, the Secretary of Defense, with the advice of the Joint Chiefs of Staff, subject to applicable strength limitations prescribed by law, will determine the numbers and composition of forces to be ordered involuntarily to active duty from the Ready Reserve by each Military Department.

(3) Where the nature of the situation precludes procedures contemplated in subparagraph (2) of this paragraph, members of the Ready Reserve authorized by law to be ordered involuntarily to active duty may be so ordered by authorities designated by the Secretaries concerned, subject to the conditions of subparagraph (1) of this paragraph, in numbers previously allocated to the Military Departments by the Secretary of Defense.

(i) The Joint Chiefs of Staff shall be responsible for providing to the Secretary of Defense on a current basis the recommended numbers which each service will be authorized to order involuntarily to active duty under such circumstances, based on appropriate war or mobilization plans.

(ii) The Joint Chiefs of Staff shall periodically review such allocation made by the Secretary of Defense, for the purpose of recommending such changes as new conditions may dictate.

(4) Where the nature of the situation indicates imminent attack upon the continental United States, those authorities having been designated by the Secretaries concerned may order to active duty, subject to the conditions of subparagraph (1) of this paragraph, those Ready Reserve forces previously determined by the Secretary of Defense, on the recommendation of the Joint Chiefs of Staff, as required for the immediate defense of the continental United States.

(5) The designation of individuals and units of the Ready Reserve to comprise the forces to be ordered involuntarily to active duty by each Military Department, within numbers determined by the Secretary of Defense in accordance with subparagraphs (2), (3), and (4) of this paragraph, shall be the responsibility of the Secretary of the Military Department concerned.

(c) *Title I, Public Law 89-687, October 15, 1966.* The authority contained in subsection (e) of Title I shall be exercised by an authority designated by the President. If this authority is delegated to one of the Secretaries of the Military Departments, that Secretary shall assure that all actions which concern another Military Department are properly coordinated with the Department concerned.

(d) *Section 673a, Title 10, United States Code.* Executive Order No. 11366 delegates to the Secretary of Defense and, when designated by him for this purpose, any of the Secretaries of the Military Departments, the authority to order members of the Ready Reserve to active duty under subsection 673a(a). Uniform policies for the implementation of this authority by the Secretaries of the Military Departments are prescribed by Part 100 of this subchapter.

(e) *Integrity of units.* In any expansion of the active Armed Forces of the United States which requires that units and members of the Reserve Components be ordered to active duty (other than for training), section 672(c) of Title 10, U.S.C. provides that, insofar as practicable, members of units organized and trained to serve as units who are ordered to that active duty without their consent shall be so ordered only with their units. However, members of such units may be reassigned after being ordered to active duty (other than for training). Policy guidance governing the application of this provision is contained in DoD Directive 1235.6,[1] June 25, 1959.

(f) *Delay, exemption, and early release.* DoD policy concerning the delay, exemption and early release of Ready Reservists who have been involuntarily ordered to active duty is prescribed in Part 126 of this subchapter.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

OCTOBER 25, 1967.

[F.R. Doc. 67-12820; Filed, Oct. 31, 1967; 8:45 a.m.]

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising From Activities of National Guard Personnel While Engaged in Duty or Training

Section 536.140 is revised; new paragraph (w) is added to § 536.143; in § 536.146, paragraph (a) is revised and a new paragraph (c) is added; §§ 536.147 and 536.148 are revised; new § 536.151b is added; and § 536.152 is revised, as follows:

[1] Filed as part of original. Single copies may be obtained from Publications Branch, OASD(A), Room 3B200, Pentagon, Washington, D.C. 22301, ext. 52167.

§ 536.140 Definitions.

The definitions of terms set forth in § 536.3 are applicable to §§ 536.140–536.152 unless otherwise defined herein.

(a) *Army National Guard.* That part of the organized militia of the several States and territories, Puerto Rico, the Canal Zone, and the District of Columbia, active or inactive, that is a land force; is trained, and has its officers appointed under the 16th clause of section 8, Article I of the Constitution; is organized, armed, and equipped wholly or partly at Federal expense; and is federally recognized.

(b) *Army National Guard personnel.* A member of the Army National Guard engaged in training or duty under title 32, United States Code, section 316, 502, 503, 504, or 505, or any other provision of law for which he is entitled to pay under title 37, United States Code, section 206, or for which he has waived that pay, or a person who is employed under title 32, United States Code, section 709.

(c) *Claimant.* An individual, partnership, association, corporation, country, State, Commonwealth, territory, or a political subdivision thereof, presenting a claim. The term does not include the U.S. Government, any of its instrumentalities, except as prescribed by statute, or a State or Commonwealth which maintains the unit to which the Army National Guard personnel causing the injury or damage are assigned.

§ 536.143 Claims not payable.

* * * * *

(w) Is for damage caused from or by floods or flood waters. See the act of May 15, 1928 (45 Stat. 535, 33 U.S.C. 702c).

§ 536.146 Investigation.

(a) *When required.* An incident not arising from combat requires immediate investigation by a claims officer designated by a Continental U.S. Army, the Military District of Washington, U.S. Army, or comparable commander, or by a claims officer designated by a subordinate commander having authority to act on claims pursuant to § 536.151b, when—

(1) Property other than Government property is damaged, lost, or destroyed;

(2) A member of the uniformed services, a dependent, or any other person who is eligible for medical care at Army medical treatment facilities is injured under circumstances which permit recovery of the cost of hospital and medical care under §§ 537.21–537.24 of this chapter;

(3) Injury or death results to any civilian, other than to a civilian employee of the Army, a member of the Army National Guard, or other personnel employed under title 32, United States Code, section 709, sustained while in the performance of duty (§ 536.141);

(4) A claim is made;

(5) Investigation is requested by another armed service of the United States; or

(6) Competent authority so directs.

* * * * *

(c) *Where claim is covered by insurance.* If the State carries liability insurance on its National Guard vehicles, the claims officer's report will contain a statement from the appropriate State official as to the nature and extent of insurance coverage. If the operator of the Army National Guard vehicle or other vehicle involved in an incident has in effect an automobile liability policy which possibly provides protection for the United States, the policy, or a copy thereof, will be included in the claims officer's report. If there is no insurance coverage the claims officer's report will so indicate.

§ 536.147 Form of claim.

All claims cognizable under §§ 536.140–536.152 will be submitted in triplicate on Standard Form 95 (Claim for Damage or Injury).

§ 536.148 Procedures.

(a) *General.* So far as not inconsistent with §§ 536.140–536.152, the procedures set forth in §§ 536.1–536.11c will be followed as to a claim under this regulation. See § 536.22 as to the law applicable.

(b) *Claims covered by insurance.* (1) When a National Guard vehicle, or a privately owned vehicle operated by a member or employee of the National Guard, is involved in an incident under circumstances which make §§ 536.140–536.152 applicable to the disposition of administrative claims against the United States and results in personal injury, death, or property damage and insurance coverage is indicated, the responsible claims supervisory authority will monitor the insurance aspect of the case and encourage direct settlement between the claimant and the insurer. Where the State is insured, direct contact with State or National Guard officials rather than the insurer is desirable. Where the operator is insured, however, direct negotiation with the insurer is appropriate. Any recovery by claimant from an insurer (other than claimant's insurer) will be deducted from the amount otherwise payable.

(2) If there is insurance coverage, advise claimant to pursue insurance remedy. If payment by the insurer of the amount of the policy does not fully compensate claimant, an additional payment may be made under §§ 536.140–536.152. If liability is clear and claimant settles with insurer for less than the amount of the policy, no payment by United States normally will be made.

(3) If only partial insurance coverage, coordinate settlement with State, or if operator is insured, coordinate settlement with his insurer.

(4) If there is insurance coverage but insurer refuses to make payment and claimant desires to pursue an administrative claim against the United States, settle claim, obtain assignment of claim against the insurer, and initiate appropriate recovery action (see § 537.1 of this chapter and AR 27–41).

(5) If there is insurance coverage but insurer denies liability and claimant desires to pursue court remedy, forward file with seven-paragraph memorandum to the Chief, U.S. Army Claims Service.

§ 536.151b Delegation of authority.

(a) *Settlement authority.* (1) Subject to appeal to the Secretary of the Army, The Judge Advocate General and The Assistant Judge Advocate General are delegated authority under §§ 536.140–536.152 to pay up to $5,000 in settlement of claims, and to disapprove claims regardless of the amount claimed.

(2) Subject to appeal to the Secretary of the Army and such limitations as may be imposed by The Judge Advocate General, the Chief, U.S. Army Claims Service, and all officers of The Judge Advocate General's Corps assigned to the U.S. Army Claims Service, subject to such limitations as may be imposed by the Chief of that Service, are delegated authority under §§ 536.140–536.152 to pay up to $1,000 in settlement of claims, and to disapprove claims regardless of the amount claimed.

(3) Subject to appeal to the Secretary of the Army and such limitations as may be imposed by The Judge Advocate General, the commander or the staff judge advocate of each of the commands listed in subdivisions (i) through (v) of this subparagraph is delegated authority to approve and pay in full, or in part, or disapprove, claims presented for $1,000 or less; and pay claims regardless of the amount claimed provided an award of $1,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(i) Each of the numbered Armies within the continental United States;

(ii) Military District of Washington, U.S. Army;

(iii) U.S. Army Forces Southern Command;

(iv) U.S. Army, Alaska;

(v) U.S. Army, Pacific.

(b) *Approving authority.* (1) Each of the following is delegated authority to approve and pay in full claims presented for $1,000 or less; pay claims regardless of the amount claimed provided an award of $1,000, or less, is accepted by claimant in full satisfaction and final settlement of the claim:

(i) The commander, or the staff judge advocate of any command authorized to exercise general courts-martial jurisdiction;

(ii) An officer of the Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the commander of a command listed in § 536.4a, subject to such limitation as the designating commander may prescribe;

(iii) The chief of a command claims service established pursuant to § 536.4b.

(2) The commanding officer of a command not authorized to exercise general courts-martial jurisdiction but having a judge advocate assigned to his staff, or his judge advocate, is delegated authority to—

(i) Approve and pay in full claims presented for $500, or less, and

(ii) Pay claims regardless of the amount claimed, provided an award of $500, or less, is accepted by claimant in full satisfaction and final settlement of the claim.

(c) *Delegation of authority.* The Judge Advocate General may delegate claims settlement authority (paragraph (a) of this section) or claims approving authority (paragraph (b) of this section) to other commands where the need for such authority can be demonstrated. Requests for delegation of authority will be forwarded to The Judge Advocate General, Attention: Chief, U.S. Army Claims Service, through command channels, with justification and recommendations.

(d) *Claims over $5,000.* Claims cognizable under title 32, United States Code, section 715, and §§ 536.140–536.152, which are meritorious in amounts in excess of $5,000 will be processed for action by the Secretary of the Army. If the Secretary of the Army considers such a claim meritorious, he may, after receipt of a settlement agreement in full satisfaction of the entire claim, pay the claimant $5,000 and report the excess to Congress for its consideration.

§ 536.152 Reconsideration.

(a) An approving or settlement authority may reconsider a claim upon request of the claimant or someone acting in his behalf. In the absence of such a request, an approving or settlement authority may on his own initiative reconsider a claim. He may reconsider a claim which he previously disapproved in whole or in part (even though a settlement agreement has been executed), when it appears that his original action was incorrect in law or fact based on the evidence of record at the time of the action or subsequently received. If he determines that his original action was incorrect, he will modify the action and, if appropriate, make a supplemental payment. The basis for a change in action will be stated in a memorandum included in the file.

(b) A successor or supervisory approving or settlement authority may also reconsider the original action on a claim but only on the basis of fraud or collusion, new and material evidence, or manifest error of fact such as errors in calculation or factual misinterpretation of applicable law.

(c) A request for reconsideration should indicate fully the legal or factual basis asserted as grounds for relief. Following completion of any investigation or other action deemed necessary for an informed disposition of the request, the approving or settlement authority will reconsider the claim and attempt to settle it by granting such relief as may appear warranted.

[AR 27–24, Aug. 24, 1967] (Sec. 3012, 70 A Stat. 157; 10 U.S.C. 3012. Interpret or apply 74 Stat. 878, 76 Stat. 767; 10 U.S.C. 2736, 32 U.S.C. 715)

For the Adjutant General.

J. W. HUBD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 67–12816; Filed, Oct. 31, 1967; 8:45 a.m.]

SUBCHAPTER D—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 552—REGULATIONS AFFECTING MILITARY RESERVATIONS

Inspection of Steam Boilers

Section 552.21, *Inspection of steam boilers*, is revoked.

[DA Cir. 310-42, Sept. 8, 1967] (Sec. 3012, 70 A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

J. W. HURD,
Colonel, AGC, Comptroller, TAGO.

[F.R. Doc. 67-12817; Filed, Oct. 31, 1967; 8:45 a.m.]

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 710—PROCEDURES AND REQUIREMENTS FOR APPOINTMENT AS A MIDSHIPMAN AT THE U.S. NAVAL ACADEMY

Naval Honor Schools

Scope and purpose. Part 710 is amended by adding a nondiscrimination requirement.

Part 710 is amended by adding § 710.14(b)(1)(viii) to read as follows:

§ 710.14 Naval Honor Schools.

* * * * *

(b) * * *

(1) * * *

(viii) It must not discriminate with respect to admission or treatment of students on the basis of race, color, or national origin.

* * * * *

(Sec. 6954, 70A Stat. 429; 10 U.S.C. 6954)

By direction of the Secretary of Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

OCTOBER 24, 1967.

[F.R. Doc. 67-12818; Filed, Oct. 31, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF STATE

Agency for International Development

[22 CFR Part 201]

COMMODITY TRANSACTIONS FINANCED BY A.I.D.

Applicable Rules and Procedures

A.I.D. has just recently rescinded the rules which it promulgated on August 3, 1967 at 32 F.R. 11264–65 as amendments to A.I.D. Regulation 1. In lieu of these rules, A.I.D. now proposes to require each supplier of U.S.-source commodities to execute a new certification as a condition for receiving payment with foreign assistance funds. The new certification may eventually appear as part of a new A.I.D. form or may be incorporated into a revised version of the Supplier's Certificate, A.I.D. Form 282. The certification would read as follows:

In consideration of the receipt of funds made available by the United States under the Foreign Assistance Act of 1961, as amended, in payment, in whole or in part, of the sum indicated on the accompanying invoice to be due and owing for the sale of U.S.-source commodities, the undersigned, acting on behalf of the supplier whose name appears below and authorized to bind the supplier, agrees with and certifies to A.I.D. as follows:

At the time of receiving payment with A.I.D. funds, the supplier is an individual, resident in the United States; a non-resident citizen of the United States; a corporation or partnership organized under the laws of the United States; or a controlled foreign corporation (within the meaning of § 957 et seq. of the Internal Revenue Code) as attested by current information on file with the Internal Revenue Service of the United States (on IRS Form 959, 2952, 3646, or any substitute or successor forms) submitted by shareholders of the corporation. If the supplier is a controlled foreign corporation without a regular place of business in the United States, the supplier appoints any shareholder or officer thereof agent for the supplier to receive service of process in the United States in connection with any dispute arising between the supplier and A.I.D. and relating to the commodity sale financed by A.I.D.

It is the intention of A.I.D. to limit the continued eligibility of suppliers to furnish U.S.-source commodities under A.I.D. financing to those individuals or firms who can execute the foregoing certification. Foreign suppliers located outside the United States who do not qualify as nonresident U.S. citizens or controlled foreign corporations would henceforth be excluded from eligibility to supply U.S.-source commodities under A.I.D. financing.

Comments concerning the regulatory changes proposed by this notice are solicited for receipt by A.I.D. as soon as possible, but not later than December 15, 1967.

Dated: October 30, 1967.

RUTHERFORD M. POATS,
Deputy Administrator.

[F.R. Doc. 67–12970; Filed, Oct. 31, 1967; 8:55 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Approval of Expenses and Fixing of Rate of Assessment for 1967–68 Fiscal Period

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1967, through July 31, 1968, will amount to $145,000.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at $0.005 per standard packed box.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 27, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67–12909; Filed, Oct. 31, 1967; 8:52 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 28]

CHERRY PIE

Definition and Standard of Identity and Standard of Quality

The Commissioner of Food and Drugs, on his own initiative, proposes that the following new Part 28 be added to Title 21 to establish a standard of identity and a standard of quality for cherry pie:

PART 28—FRUIT PIES

Sec.

28.1 Cherry pie; identity; label statement of optional ingredients.
28.2 Cherry pie; quality; label statement of substandard quality.

AUTHORITY: The provisions of this Part 28 issued under secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371.

§ 28.1 Cherry pie; identity; label statement of optional ingredients.

(a) Cherry pie is the food prepared by incorporating in a filling contained in a pastry shell mature, whole, pitted, stemmed, red, sour (tart) cherries (fresh, frozen, or canned) that have not been treated with a chemical preservative. The top of the pie may be open or it may be wholly or partly covered with pastry or other suitable topping. Filling, pastry, and topping components of the food consist of optional ingredients as provided in paragraph (b) of this section. The food may be frozen or baked or both baked and frozen.

(b) The optional ingredients referred to in paragraph (a) of this section consist of suitable substances that are not food additives as defined in section 201(s) of the Federal Food, Drug, and Cosmetic Act or color additives as defined in section 201(t) of the act; or if they are food additives or color additives as so defined, they are used in conformity with regulations established pursuant to section 409 or 706 of the act. Ingredients that perform a useful function in the formulation of the filling, pastry, and topping components, when used in such

proportions as are reasonably required to accomplish their intended effect, are regarded as suitable; except that artificial sweeteners, flavors that simulate the flavor of cherries, and chemical preservatives, other than those provided for in this paragraph, are not suitable ingredients of cherry pie. Chemical preservatives that are suitable are:

(1) The antioxidant preservatives listed in § 121.101(d)(2) of this chapter that are used to retard development of rancidity of the shortenings used to fabricate the pastry component, subject to the limitations prescribed thereby.

(2) The antimycotic preservatives listed in § 17.1(a)(13) (i), (ii), (iii), and (iv) of this chapter that are used to inhibit mold growth on the pastry shell, in amounts within the limits prescribed thereby.

(c) The name of the food for which a definition and standard of identity is established by this section is cherry pie, except that if the maximum diameter of the food (measured across opposite outside edges of the pastry shell) is not more than 4 inches the food alternatively may be designated by the name cherry tart.

(d) (1) The label of the cherry pie shall name by their common names (except spices, flavoring, and coloring) the optional ingredients used as provided in paragraph (b) of this section. If spice, flavoring, or coloring is used, the label shall bear the words "with added ----------" or "---------- added," the blank to be filled in with the word "spice," "flavoring," or "coloring," or a combination of these as appropriate, or in lieu of the word "spice," "flavoring," or "coloring" the common name of the ingredient. If artificial flavoring or artificial coloring or any combination of these is present, the label shall show that fact by the statement "with ----------" or "---------- added," the blank being filled in with the words "artificial flavoring," "artificial coloring," or a combination of these words as appropriate. If an antioxidant preservative as provided in paragraph (b)(1) of this section is used, such preservative shall be designated by its common name followed by the statement "added as a preservative." If an antimycotic preservative as provided in paragraph (b)(2) of this section is used, such preservative shall be designated by its common name followed by the statement "added to retard spoilage."

(2) The words and statements showing the optional ingredients used as provided for in subparagraph (1) of this paragraph shall appear on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase.

§ 28.2 Cherry pie; quality; label statement of substandard quality.

(a) The standard of quality for cherry pie is as follows:

(1) The pie contains not less than 2.7 cherries per ounce of net weight of the pie when examined in accordance with paragraph (b)(1) of this section.

(2) The net weight of the pie is not less than the weight specified for the maximum diameter of the pie (measured across opposite outside edges of the pastry shell or of the containing pan, whichever is greater) as shown in the following table:

I. Maximum diameter of pie—inches	*II. Minimum weight of pie—avoirdupois ounces*
3	3.75
3.5	4.50
4	5
5	7
6	10
7	15
8	22
9	31
10	44
11	60

If the diameter in question is not listed, calculate the value for column II as follows: Obtain by subtraction the difference between the listed weights in column II corresponding to the two adjacent diameters above and below the diameter in question. Multiply this difference by the fraction of an inch whereby the diameter in question exceeds the lower of the two listed diameters. Add the resulting product, neglecting fractions of an ounce (except in the case of pies having a diameter of less than 4 inches, in which case the fraction should be rounded to the nearest one-fourth ounce), to the lower of the two listed weights to give the value for column II.

(3) Not more than 15 percent by count of the cherries in the pie are blemished with scab, hail injury, discoloration, scar tissue, or other abnormality. A cherry showing skin discoloration having an aggregate area exceeding three-sixteenths inch in diameter is considered to be blemished. A cherry showing discoloration of any area but extending into the fruit tissue is also considered to be blemished.

(b) The number of cherries per ounce of pie, as required in paragraph (a)(1) of this section, is determined as follows: Remove the filling and cherries from the pie and distribute evenly over the surface of a 12-inch-diameter U.S. No. 8 sieve (0.094-inch openings) stacked on a U.S. No. 20 sieve. Wash the cherries and cherry fragments free from adhering material with a gentle water spray. Drain the cherry contents on the No. 8 sieve for 2 minutes in an inclined position (15°–30° slope). Do not discard contents of No. 20 sieve. Transfer the whole cherries to a tared pan and determine the weight of all whole cherries. Count the whole cherries and calculate average weight per whole cherry. Collect the cherry fragments from both the No. 8 and No. 20 sieves. Weigh the cherry fragments and calculate the whole cherry equivalent based on the average weight per whole cherry. The number of whole cherries plus the number of whole cherry equivalents is the total number of cherries in the pie. Calculate the number of cherries per ounce of net weight of pie.

(c) If the quality of the cherry pie falls below the standard prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below standard in quality ----------," the blank being filled in with the following words, as applicable: "too few cherries," "too shallow," or "blemished cherries." Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "cherry pie" or "cherry tart" as prescribed by § 28.1.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), all interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, within 90 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: October 24, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-12885; Filed, Oct. 31, 1967; 8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket 67-EA-88]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Presque Isle, Maine, control zone and 700-foot floor transition area.

Recent changes in the Presque Isle, Maine, Airport VOR/DME and NDB (ADF) instrument approach procedures require modification of the Presque Isle control zone and transition area. The VOR/DME Runway 1 will require a minor increase in the size of the control zone and 700-foot floor transition area to the south.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the

proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Presque Isle, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Presque Isle, Maine control zone "VOR 159°" and insert in lieu thereof "VORTAC 158°"; delete "to the VOR; and" and insert in lieu thereof "to the VORTAC;"; delete the phrase, "RBN 169° bearing extending from the 5-mile radius zone to 7 miles south of the RBN." and insert in lieu thereof "RBN 167° bearing extending from the 5-mile radius zone to 7 miles south of the RBN; and within 2 miles each side of the Presque Isle VORTAC 160° radial extending from the 5-mile radius zone to 14 miles south of the VORTAC."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting in the Presque Isle, Maine, transition area "VOR 339°" and insert in lieu thereof "VORTAC 338°", delete "north of the VOR;" and insert in lieu thereof "north of the VORTAC;" delete "RBN 169°" and insert in lieu thereof "RBN 167°", following the words "south of the RBN;" add "within 2 miles each side of the Presque Isle VORTAC 160° radial extending from the 8-mile radius area to 21 miles south of the VORTAC;".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 16, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12855; Filed, Oct. 31, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-115]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Hutchinson, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Hutchinson, Kans., control zone and transition area, the Hutchinson Air National Guard Base, Kans., instrument approach procedures have been canceled. As a result, controlled airspace for the protection of aircraft executing these canceled procedures is no longer required. In addition, controlled airspace protection is needed for aircraft in holding patterns at the Stafford, Sterling, and Groveland, Kans., intersections. Therefore, the designations of the Hutchinson, Kans., control zone and transition area must be altered in order to reflect these airspace changes.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

HUTCHINSON, KANS.

Within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°03'55" N., longitude 97°51'35" W.); and within 2 miles each side of the Hutchinson VORTAC 042° radial, extending from the 5-mile radius zone to the VORTAC.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

HUTCHINSON, KANS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Hutchinson Municipal Airport (latitude 38°03'55" N., longitude 97°51'35" W.); within 8 miles northwest and 5 miles southeast of the Hutchinson VORTAC 042° and 222° radials extending from the 8-mile radius area to 12 miles southwest of the VORTAC; and within 8 miles northeast and 5 miles southwest of the Hutchinson ILS localizer northwest course, extending from the 8-mile radius area to 12 miles northwest of the OM; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of Hutchinson VORTAC; within 10 miles west and 6 miles east of the Hutchinson VORTAC 025° radial, extending from the 30-mile radius area to 44 miles north of the VORTAC; within 6 miles southwest and 10 miles northeast of the Hutchinson VORTAC 296° radial, extending from the 30-mile radius area to 44 miles northwest of the VORTAC; within 6 miles north and 10 miles south of the Hutchinson VORTAC, 266° radial extending from the 30-mile radius area to 41 miles west of the VORTAC; and the area southwest of Hutchinson bounded on the northeast by the 30-mile radius area, on the south by the north edge of V-12N, and on the northwest by the southeast edge of V-280, excluding the portion which overlies the Wichita and Salina, Kans., transition areas.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 18, 1967.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 67-12856; Filed, Oct. 31, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-119]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Escanaba, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Escanaba, Mich., control zone and transition area, the two public use instrument approach procedures for the Escanaba Municipal

Airport have been modified by adding DME arcs. In addition, the special ADF instrument approach procedure for this airport is not presently protected with controlled airspace designation. Therefore, it is necessary to alter the Escanaba control zone and transition area to provide controlled airspace protection for aircraft executing these revised public instrument approach and special instrument approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

ESCANABA, MICH.

Within a 5-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 2 miles each side of the Escanaba VORTAC 007°, 101° and 266° radials, extending from the 5-mile radius zone to 8 miles north, east, and west of the VORTAC; and within 2 miles each side of the 349° bearing from Escanaba Municipal Airport, extending from the 5-mile radius zone to 11 miles north of the airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Escanaba Municipal Airport (latitude 45°43'25" N., longitude 87°05'40" W.); within 8 miles west and 5 miles east of the Escanaba VORTAC 007° radial, within 8 miles north and 5 miles south of the Escanaba VORTAC 101° radial and within 8 miles south and 5 miles north of the Escanaba VORTAC 266° radial, extending from the VORTAC to 12 miles north, east, and west of the VORTAC; and within 8 miles west and 5 miles east of the 349° bearing from Escanaba Municipal Airport, extending from the airport to 15 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of Escanaba VORTAC.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 13, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-12857; Filed, Oct. 31, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-118]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Bloomington, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Two new VOR public use instrument approach procedures have been developed to serve Runways 17 and 35 at the Bloomington, Ind., Monroe County Airport. In addition, the existing VOR public use instrument approach procedures at this airport are being modified by raising the procedure turn, missed approach and transition altitudes to 2,400 feet mean sea level. Therefore, it is necessary to alter the Bloomington control zone and 700-foot floor transition area to protect aircraft executing these new and revised approach procedures. The present Bloomington 1,200-foot floor transition area will not be changed as a result of these proposals.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

BLOOMINGTON, IND.

Within a 5-mile radius of Monroe County Airport (latitude 39°06'25" N., longitude 86°37'00" W.) and within 2 miles each side of the Bloomington, Ind., VOR 072°, 181°, 236°, and 341° radials extending from the 5-mile radius zone to 8 miles east, south, southwest, and north of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

BLOOMINGTON, IND.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Monroe County Airport (latitude 39°08'25" N., longitude 86°37'00" W.) and within 2 miles each side of the Bloomington, Ind., VOR 072°, 181°, 236°, and 341° radials extending from the 6-mile radius area to 8 miles east, south, southwest, and north of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 13, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-12858; Filed, Oct. 31, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-EA-112]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations which will establish a part-time control zone for Ohio State University Airport, Columbus, Ohio.

With the proposed operation of an air traffic control tower at Ohio State University Airport a control zone will be required. This control zone will be effective from 0700 to 2300 hours, local time, daily.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, J. F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements templated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Columbus, Ohio, proposes the airspace action hereinafter set forth:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Columbus Ohio Control Zone, Columbus, Ohio (Ohio State University Airport), described as follows:

COLUMBUS, OHIO (OHIO STATE UNIVERSITY AIRPORT)

Within a 5-mile radius of the center 40°-04'45" N., 83°04'20" W., of Ohio State University Airport, Columbus, Ohio, and within

2 miles each side of the Ohio State University RBN (40°04'47" N., 83°04'54" W.) 273° bearing extending from the Ohio State University 5-mile radius zone to 7 miles west of the RBN, excluding that portion within the control zone designated as Columbus, Ohio, control zone. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 20, 1967.

R. M. BROWN,
Acting Director, Eastern Region.

[F.R. Doc. 67-12859; Filed, Oct. 31, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket 67-EA-78]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Sky Acres Airport, Millbrook, N.Y.

A new VOR instrument procedure has been authorized for the Sky Acres Airport and will require controlled airspace protection for aircraft executing the arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Millbrook, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Millbrook, N.Y., transition area described as follows:

MILLBROOK, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°42'26" N., 73°44'20" W., of the Sky Acres Airport, Millbrook, N.Y., and within 2 miles each side of the centerline of Runway 17 extended from the 5-mile radius area to 6 miles south of the end of the runway, excluding that portion within the Poughkeepsie, N.Y., and the Red Hook, N.Y., transition areas effective from sunrise to sunset daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 16,1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12860; Filed, Oct. 31, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket 67-EA-85]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700 foot floor transition area over Haverhill Airport, Haverhill, Mass.

A new VOR instrument procedure has been authorized for Haverhill Airport and will require controlled airspace protection for aircraft executing the instrument approach and departure procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Haverhill, Mass., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700 foot floor Haverhill, Mass., transition area described as follows:

HAVERHILL, MASS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°48'05" N., 71°03'45" W., of Haverhill Airport, Haverhill, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 16, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12861; Filed, Oct. 31, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket 67-EA-87]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area over Plum Island Airport, Newburyport, Mass.

A new VOR instrument procedure has been authorized for Plum Island Airport and will require controlled airspace protection for aircraft executing the arrival and departure procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Avia-

tion Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Newburyport, Mass. proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700 foot floor Newburyport, Mass., transition area described as follows:

NEWBURYPORT, MASS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, (42°47'45" N., 70°50'25" W.) of Plum Island Airport, Newburyport, Mass.; and within 2 miles each side of the Runway 33 centerline extended from the 5-mile radius area to 6 miles northwest of the end of the runway, excluding the portion which coincides with the Boston, Mass., transition area. This transition area shall be effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on October 16, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-12862; Filed, Oct. 31, 1967; 8:48 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-101]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Aiken, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Branch. Any data, views, or arguments presented during such conferences must also be in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The Aiken transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Aiken Municipal Airport; within 2 miles each side of the 046° bearing from the Aiken RBN (lat. 33°39'06" N., long. 81°40'38" W.), extending from the 8-mile radius area to 8 miles northeast of the RBN.

The proposed transition area is required for the protection of IFR operations at Aiken Municipal Airport. A prescribed instrument approach procedure to this airport utilizing the Aiken (private) nondirectional radio beacon is proposed in conjunction with the designation of this transition area.

The official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on October 19, 1967.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[F.R. Doc. 67-12863; Filed, Oct. 31, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 193-1, Rev. 2]

DIRECTOR, OFFICE OF DOMESTIC GOLD AND SILVER OPERATIONS

Authorization of Signature and Issuance of Certain Documents

Treasury Department Order No. 193-1, Rev. 1, dated January 19, 1967, is revised as follows:

By virtue of the authority vested in the Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, and by virtue of the authority vested in me as Under Secretary for Monetary Affairs by Treasury Department Order 190 (Rev. 4), there is hereby delegated to the Director of the Office of Domestic Gold and Silver Operations all authority vested in the Secretary by Part 82 of Title 31 of the Code of Federal Regulations and all authority vested in me by Part 54 of Title 31 of the Code of Federal Regulations. Any action heretofore taken by the Director of the Office of Domestic Gold and Silver Operations which involved the exercise of authority hereby granted is affirmed and ratified.

The authority vested in the Director of the Office of Domestic Gold and Silver Operations by this order and by Parts 54, 81, and 93 of Title 31 of the Code of Federal Regulations may be delegated by him upon such terms and conditions as he deems appropriate.

Dated: October 26, 1967.

[SEAL] FREDERICK L. DEMING,
Under Secretary of the Treasury for Monetary Affairs.

[F.R. Doc. 67-12868; Filed, Oct. 31, 1967; 8:49 a.m.]

[Dept. Circular; Public Debt Series, No. 9-67]

5⅝ PERCENT TREASURY NOTES OF SERIES A-1969

Offering of Notes

OCTOBER 26, 1967.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers $10,700,000,000, or thereabouts, of notes of the United States, designated 5⅝ percent Treasury Notes of Series A-1969, at par and accrued interest. The following securities, maturing November 15, 1967, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

4⅞ percent Treasury Notes of Series F-1967; or
3½ percent Treasury Bonds of 1967.

The books will be open only on October 30, 1967, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated November 15, 1967, and will bear interest from that date at the rate of 5⅝ percent per annum, payable on a semiannual basis on February 15 and August 15, 1968, and February 15, 1969. They will mature February 15, 1969, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provisions will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve banks and branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve banks and Government investment accounts. Subscriptions from all others must be accompanied by payment (in cash or in securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2-percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight October 30, 1967.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(1) In full if the subscription is for a State, political subdivision or instrumentality thereof, public pension and retirement and other public fund, international organization in which the United States holds membership, foreign central bank and foreign State, Federal Reserve bank, or Government investment account and such subscriber certifies in writing that at 4 p.m., e.d.s.t., October 25, 1967, it owned or had contracted to purchase for value securities of the issues enumerated in paragraph 1 of section I hereof, in an aggregate amount equal to or greater than the amount of such subscription (any such subscriber may enter an additional subscription subject to a percentage allotment); and

(2) On a percentage basis, to be publicly announced.

Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before November 15, 1967, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment may be made for any notes allotted hereunder in cash or by exchange of securities of the issues enumerated in paragraph 1 of section I hereof which will be accepted at par. When payment is made with securities in bearer form, coupons dated November 15, 1967, should be detached and cashed when due. When payment is made with registered securities, the final interest due on November 15, 1967, will be paid by issue of interest checks in regular course to holders of record on October 13, 1967, the date the transfer books closed.

V. *Assignment or registered securities.* 1. Treasury securities in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered to a Federal Reserve bank or branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 5⅝ percent Treasury Notes of Series A–1969"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 5⅝ percent Treasury Notes of Series A–1969 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 5⅝ percent Treasury Notes of Series A–1969 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67–12869; Filed, Oct. 31, 1967; 8:49 a.m.]

[Dept. Circular; Public Debt Series, No. 10–67]

5¾ PERCENT TREASURY NOTES OF SERIES A–1974

Offering of Notes

OCTOBER 26, 1967.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers $1,500,000,000, or thereabouts, of notes of the United States, designated 5¾ percent Treasury Notes of Series A–1974, at par and accrued interest. The following securities, maturing November 15, 1967, will be accepted at par in payment or exchange, in whole or in part, to the extent subscriptions are allotted by the Treasury:

4⅞ percent Treasury Notes of Series F–1967; or
3½ percent Treasury Bonds of 1967.

The books will be open only on October 30, 1967, for the receipt of subscriptions.

II. *Description of notes.* 1. The notes will be dated November 15, 1967, and will bear interest from that date at the rate of 5¾ percent per annum, payable semi-annually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1974, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government Investment Accounts. Subscriptions from all others must be accompanied by payment (in cash or in securities of the issues enumerated in par. 1 of sec. I hereof, which will be accepted at par) of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Registered securities submitted as deposits should be assigned as provided in section V hereof. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after midnight October 30, 1967.

3. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, subscriptions will be allotted:

(1) In full if the subscription is for a State, political subdivision or instrumentality thereof, public pension and re-

tirement and other public fund, international organization in which the United States holds membership, foreign central bank and foreign State, Federal Reserve Bank, or Government Investment Account and such subscriber certifies in writing that at 4 p.m., e.d.s.t., October 25, 1967, it owned or had contracted to purchase for value securities of the issues enumerated in paragraph 1 of section I hereof, in an aggregate amount equal to or granter than the amount of such subscription (any such subscriber may enter an additional subscription subject to a percentage allotment); and

(2) On a percentage basis, to be publicly announced.

Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before November 15, 1967, or on later allotment. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States, Payment may be made for any notes allotted hereunder in cash or by exchange of securities of the issues enumerated in paragraph 1 of section I hereof, which will be accepted at par. When payment is made with securities in bearer form, coupons dated November 15, 1967, should be detached and cashed when due. When payment is made with registered securities, the final interest due on November 15, 1967, will be paid by issue of interest checks in regular course to holders of record on October 13, 1967, the date the transfer books closed.

V. *Assignment of registered securities.* 1. Treasury securities in registered form tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The maturing securities must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 5¾ percent Treasury Notes of Series A–1974"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 5¾ percent Treasury Notes of Series A–1974 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 5¾ percent Treasury Notes of Series A–1974 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67–12870; Filed, Oct. 31, 1967; 8:49 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT REGIONAL ADMINISTRATOR FOR RENEWAL ASSISTANCE ET AL., REGION IV (CHICAGO, ILL.), RENEWAL ASSISTANCE OFFICE

Redelegations of Authority Regarding Renewal Assistance Programs

The redelegations of authority to the Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others, Region IV (Chicago, Ill.), effective November 9, 1966 (32 F.R. 6224–25, Apr. 20, 1967), are hereby amended with respect to the Rehabilitation Loan Program by amending section B to read:

SEC. B. *Authority redelegated to Assistant Regional Administrator for Renewal Assistance, Deputy Assistant Regional Administrator for Renewal Assistance, and others.* The Assistant Regional Administrator for Renewal Assistance, the Deputy Assistant Regional Administrator for Renewal Assistance, the Chief, Rehabilitation Loan and Grant Branch, the Regional Rehabilitation Loan Officer, and the Area Rehabilitation Loan Specialists, Region IV (Chicago, Ill.), each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development to the extent redelegated to the Regional Administrator and to the Deputy Regional Administrator in section A of the redelegations of authority of the Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8966–8967, June 29, 1966) with respect to the Rehabilitation Loan Program under section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b).

Effective date. This amendment to redelegations of authority shall be effective as of November 9, 1966.

JOHN P. MCCOLLUM,
Regional Administrator, Region IV.

[F.R. Doc. 67–12866; Filed, Oct. 31, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. S–407]

HARRY R. HARRIS

Notice of Loan Application

Harry R. Harris, Box 54, Ilwaco, Wash. 98624, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 37.2-foot registered length wood vessel to engage in the fishery for salmon, albacore and Dungeness crab.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. MCHUGH,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 25, 1967.

[F.R. Doc. 67–12832; Filed, Oct. 31, 1967; 8:46 a.m.]

[Docket No. S–409]

RODMAN A. AND LOIS MAE MILLER

Notice of Loan Application

Rodman A. Miller and Lois Mae Miller, Star Route, Naselle, Wash. 98638, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 33-foot registered length wood vessel to engage in the fishery for salmon and albacore.

Notice is hereby given pursuant to the provisions of Public Law 89–85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised August 11, 1965) that the above entitled application is being

considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

J. L. McHUGH,
Acting Director,
Bureau of Commercial Fisheries.

OCTOBER 25, 1967.

[F.R. Doc. 67-12833; Filed, Oct. 31, 1967; 8:46 a.m.]

Office of the Secretary

GEORGE EVERETT MILLICAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of September 27, 1967.

Dated: September 28, 1967.

GEORGE E. MILLICAN.

[F.R. Doc. 67-12835; Filed, Oct. 31, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DIRECTOR OR ACTING DIRECTOR, KANSAS CITY ASCS COMMODITY OFFICE

Delegation of Authority

Pursuant to the authority vested in me by the Export Wheat Marketing Certificate Regulations, I hereby delegate to the Director or Acting Director, Kansas City ASCS Commodity Office, the responsibility to (a) approve an exporter's request for extension of the period of 45 days after date of exportation during which he shall acquire and surrender export wheat marketing certificates as provided in § 778.5(c)(1); (b) determine whether or not an exporter should be required to furnish a bond or letter of credit prior to export in order to secure the purchase of and payment for export wheat marketing certificates and, the form and amount of any such bond or letter of credit as provided in § 778.5(c)(3); and (c) approve an exporter's request for extension of the period during which he shall submit a report of the wheat exported to the Kansas City ASCS Commodity Office as provided in § 778.11. The authority herein delegated shall be exercised in conformity with the requirements of the Export Wheat Marketing Certificate Regulations and may not be redelegated.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, 79 Stat. 1202; 7 U.S.C. 1379a to 1379j)

Signed at Washington, D.C., on October 26, 1967.

CLIFFORD G. PULVERMACHER,
Director,
Procurement and Sales Division.

[F.R. Doc. 67-12907; Filed, Oct. 31, 1967; 8:51 a.m.]

CERTAIN OFFICIALS IN WHEAT SUBSIDY AND MARKET BRANCH, PROCUREMENT AND SALES DIVISION

Delegation of Authority

Pursuant to the authority vested in me by the Export Wheat Marketing Certificate Regulations, I hereby designate the Chief or Acting Chief of the Wheat Subsidy and Market Branch, Procurement and Sales Division, Agricultural Stabilization and Conservation Service as authorized, when the facts so warrant, to extend the time in which exporters are to submit reports of their intention to export wheat as provided in § 778.6(a); to extend the time in which exporters are to file a notice of sale as provided in §§ 778.7(d) and 778.9(d); to accept reports of additional quantities of wheat exported for application against an offer where the exporter has previously fulfilled his reporting obligations as provided in §§ 778.7(f) and 778.9(e) and where the additional quantity would be within the loading tolerance of such sections; and to approve an exporter's request for an extension in time to export without any increase in the cost of certificates under the conditions provided in §§ 778.7(g), 778.8(h) and 778.9(g). I hereby designate the contracting officers of said branch as authorized, when the facts so warrant, to accept or reject offers or to waive any informality in connection with such offers and to accept or reject modifications or requests for withdrawals of offers as provided in § 778.7(b)(4) and (c)(1) and to register sales reported by exporters and issue notices of registration as provided in § 778.8(d), except that any determination that a different certificate cost shall apply to an offer under § 778.7 or a notice of sale under § 778.8 than the cost based upon the announced rate shall be made by the Director. I also designate such contracting officers, when the facts so warrant, to accept reports as provided in § 778.8(g)(2) and (3) where wheat is exported to a country or buyer other than the country or buyer shown in the declaration of sale. The authority herein delegated shall be exercised in conformance with the requirements of the Export Wheat Marketing Certificate regulations and may not be redelegated.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, 79 Stat. 1202, sec. 5, 62 Stat. 1070, sec. 102, 68 Stat. 454, 7 U.S.C. 1379a to 1379j, 15 U.S.C. 714c, 7 U.S.C. 1702)

Signed at Washington, D.C., on October 26, 1967.

CLIFFORD G. PULVERMACHER,
Director,
Procurement and Sales Division.

[F.R. Doc. 67-12908; Filed, Oct. 31, 1967; 8:52 a.m.]

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses and Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (32 F.R. 11343, 12630 and 13780) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to calves with respect to D & W Packing Co., establishment 560 is deleted. The reference to swine with respect to Triolo Bros., establishment 706 is deleted. The reference to calves and sheep with respect to Acee's Meat Co., Inc., establishment 809 is deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Est. No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Clougherty Packing Co.	360					•	
The Lohrey Packing Co.	731					•	
Johnson Meat Products Company, Inc.	994					•	
New establishments reported: 3.							
Armour & Co.	2HT		•				
Brown Thompson & Sons	73	•					
Beeville Packing Co.	377		•				
Philadelphia Boneless Beef Co.	418		•	•			
Bartel's Meat Co.	497			•		•	
Baum's Meat Packing	792		•				
Species added: 3.							

Done at Washington, D.C., this 26th day of October 1967.

H. M. STEINMETS,
Acting Deputy Administrator, Consumer Production.

[F.R. Doc. 67-12846; Filed, Oct. 31, 1967; 8:47 a.m.]

Office of the Secretary

NORTH DAKOTA

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of North Dakota a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Pierce.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of October 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-12910; Filed, Oct. 31, 1967; 8:52 a.m.]

Packers and Stockyards Administration

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO., INC.

Notice of Petition To Vacate Order and Dismiss Proceeding

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), a basic order was issued in the case of "In Regarding Peoria Union Stock Yards Company, Inc.," respondent (P. & S. Docket No. 5), on June 30, 1924, prescribing the rates and charges to be assessed by the respondent for the stockyard services rendered by it at the Peoria Union Stock Yards, Peoria, Ill. Such rates and charges have been modified from time to time by subsequent orders issued in the proceeding. The latest such order was issued on September 9, 1966, prescribing the rates and charges to be assessed by respondent to and including December 31, 1968, unless modified or extended by further order before the latter date.

On October 20, 1967, the respondent filed a petition requesting that the rate order in this proceeding be vacated and the proceeding dismissed in conformity with § 203.11 (9 CFR 203.11) of the statements of general policy under the Packers and Stockyards Act. The petition reads as follows:

This is a rate proceeding under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). The respondent is now operating under an order issued on September 9, 1966 (25 A.D. 1109). The current schedule of rates and charges became effective September 15, 1966, and is to remain in effect, unless modified or extended by further order, to and including December 31, 1968.

The basic rate order in this proceeding was issued June 30, 1924. During the period since the basic rate order has been in effect this respondent has followed the procedure, prior to filing of a petition for modification of the basic order, of seeking an advance indication of the attitude of the Packers and Stockyards Administration toward the changes to be proposed. Information in support of such proposals has been submitted and a tentative agreement is reached before a formal petition for modification has been filed.

The respondent does not believe economic conditions in the industry, the marketing structure in the trade territory, or any other circumstance necessitates the continuation of the formal procedure for obtaining modification in the rates and charges assessed by respondent.

It is requested therefore that in conformity with the policy expressed in section 203.11 of the statements of general policy under the Packers and Stockyards Act (9 CFR 203.11) that the rate order in this proceeding be vacated and the proceeding be dismissed.

Any interested person may file with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after the publication of this notice in the FEDERAL REGISTER, written data, views, comments, or arguments with respect to the petition filed by the respondent.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 26th day of October 1967.

DONALD A. CAMPBELL,
Acting Administrator, Packers and Stockyards Administration.

[F.R. Doc. 67-12847; Filed, Oct. 31, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23(67)-1]

W. L. TANSLEY & CO. (PTY.), LTD., AND PETER J. COURTENAY

Order Denying Export Privileges for Indefinite Period

In the matter of W. L. Tansley & Co. (Pty.), Ltd. and Peter J. Courtenay, 32 Plein Street, Johannesburg, South Africa, respondents; File No. 23(67)-1.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because the said respondents failed to furnish answers to interrogatories and failed to furnish certain records and documents specifically requested, without good cause being shown. This application was made pursuant to the export regulations (15 CFR 382.15).

In accordance with the usual practice, the application was reviewed by the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent firm W. L. Tansley & Co. (Pty.), Ltd. is engaged in the insurance and general brokerage business with a place of business in Johannesburg, South Africa; that the respondent Peter J. Courtenay is the managing director of said firm and acted on its behalf in the transaction hereinafter described; that in July 1966 the respondent firm ordered from a U.S. supplier a quantity of cottonseed and represented that the material was not intended for Southern Rhodesia; that as the result of said order and representation the U.S. supplier exported from the United States 32 tons of cottonseed for the account of respondent firm consigned to the port of Lourenco Marques, Mozambique. The said Investigations Division is conducting an investigation into the disposition of the cottonseed in question to ascertain whether the material was diverted, transshipped, or reexported to Southern Rhodesia or any other unauthorized destination.

It is impracticable to subpoena the respondents, and relevant and material written interrogatories and requests to furnish certain specific documents re-

lating to the matter under investigation were served on them pursuant to § 382.15 of the export regulations. They have failed to furnish responsive answers to all of the interrogatories and have failed to furnish the documents requested, all as required by said section. They have not shown good cause for such failure. I find that an order denying export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended. *Accordingly, it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers and documents in response to the interrogatories heretofore served upon them or give adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 382.15 of the export regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: October 24, 1967.

RAUER H. MEYER,
Director,
Office of Export Control.

[F.R. Doc. 67-12864; Filed, Oct. 31, 1967; 8:48 a.m.]

Business and Defense Services Administration

TEXAS A. & M. UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No.: 67-00148-75-42800. Applicant: Texas A. & M. University, Cyclotron Institute, College Station, Tex. 77843. Article: Analyzing Magnet. Manufacturer: Instrument AB Scanditronix, Sweden. Intended use of article: Applicant states: "To magnetically analyze and direct charge particle beams emitted from the Texas A. & M. University Variable Energy Cyclotron." Comments: Comments have been received from one domestic manufacturer, Varian Associates (Varian) which alleges inter alia that "an analyzing magnet of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States." (Letter from Varian dated July 31, 1967 and attachment thereto.) Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is an apparatus consisting of an analyzing magnet, two switching magnets and two corresponding power supplies. Although the above-cited letter refers to the analyzing magnet, Varian did not bid on this unit (bid of Spectromagnetics Industries, Division of Varian). The comments attached to the cited letter from Varian refer only to the switching magnet and power supplies. Moreover, the bid of Spectromagnetics Industries was not responsive in several pertinent design characteristics. An apparatus of the type required by the applicant is a complex system which must be designed and built as an integral unit in which all components are compatible with each other. Such compatibility cannot be assured when the various components are manufactured by different companies, unless each is fabricated according to the precise standards specified in advance by the applicant. Furthermore, the analyzing magnet is the basic component of the apparatus and, therefore, a company undertaking to supply only the switching magnets and power supplies would be required to guarantee that these components would be compatible with the analyzing magnet made by another company despite exceptions from the specified standards. We are unable to discern in the comments from Varian an agreement to guarantee such compatibility.

For the foregoing reasons, we find that the switching magnets and power supplies offered by Varian are not of equivalent scientific value to the corresponding components of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLES M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67-12815; Filed, Oct. 31, 1967; 8:45 a.m.]

National Bureau of Standards

NBS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with the National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be an adjustment in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo. On December 1, 1967, the clock at the station will be retarded by 200 ms. at 0000 hours UT, as announced by the Bureau International de l'Heure (BIH) for the stepped atomic time (SAT) system. The successive time pulses emitted from station WWVB are one second apart. The carrier frequency is 60 kHz and is broadcast without offset.

Notice is also hereby given that there will be no adjustment in the phases of time signals emitted from radio stations WWV, Fort Collins, Colo, and WWVH, Maui, Hawaii, on December 1, 1967. During 1967, the pulses will occur at intervals which are longer than one second by 300 parts in 10^{10}, due to the offset to be maintained in carrier frequencies, as coordinated by the BIH.

Phase adjustments, when made, insure that the emitted pulses from all stations will remain within about 100 ms. of the UT2 scale. They are made necessary because of changes in the speed of rotation of the earth with which the UT2 scale is associated. Daily UT2 information is obtained from weekly forecasts of extrapolated UT2 clock readings provided by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
Director.

[F.R. Doc. 67-12973; Filed, Oct. 31, 1967; 10:09 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MORTON CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 8B2228) has been filed by Morton Chemical Co., Div. of Morton International, Inc., 110 North Wacker Drive, Chicago, Ill. 60606, proposing an amendment to § 121.2599 *Vinylidene chloride copolymer coatings for nylon film* by deleting from paragraph (b) the limitation "Finished vinylidene chloride copolymer coatings containing polymer units derived from methyl acrylate and/or methacrylic acid are limited to use in contact with nonalcoholic foods having a pH above 5.0."

Dated: October 25, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12886; Filed, Oct. 31, 1967; 8:50 a.m.]

[Docket No. FDC-D-107; NDA No. 13-610V]

UPJOHN CO.

Promone; Notice of Withdrawal of Approval of New-Drug Application

The Upjohn Co., Kalamazoo, Mich. 49001, the applicant for and holder of new-drug application No. 13-610V covering the drug Promone (medroxyprogesterone acetate), has requested withdrawal of the approval of their application and thereby has waived the opportunity for a hearing as provided by section 505(e) of the Federal Food, Drug, and Cosmetic Act.

Promone is a drug having progestational activity. As provided for in the subject aplication, it is intended for use in dogs, cats, and horses.

The firm has submitted information not available at the time the application was approved revealing that the drug is not safe for use in female dogs under the conditions of use upon the basis of which the application was approved and has requested that approval of their new-drug application No. 13-610V be withdrawn.

The Commissioner of Food and Drugs, having evaluated the information submitted, and proceeding under the authority vested in the Secretary of Health, Education, and Welfare by the act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and delegated to him by the Secretary (21 CFR 2.120), finds, on the basis of new information evaluated together with the evidence available when the new-drug application was approved, that the application fails to establish that the drug is safe for use in dogs under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, on the basis of the foregoing finding of fact and at the request of the applicant, the approval of new-drug application No. 13-610V applying to the drug Promone is withdrawn, effective on the date of signature of this document.

Dated: October 24, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-12887; Filed, Oct. 31, 1967; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

CHEMICAL PROCESSING AND CONVERSION OF SPENT FUELS

Proposed Notice

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed notice covering AEC provisions for chemical processing services pursuant to sections 161m. and 161t. of the Atomic Energy Act of 1954, as amended. The proposed notice is set forth below as an appendix of this notice. All interested persons desiring to submit comments and suggestions to the Commission in connection with the proposed notice should send them in triplicate to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, within 30 days after initial publication in the FEDERAL REGISTER. The Commission plans to publish the notice, modified as appropriate in light of comments received, in the FEDERAL REGISTER to be effective on January 1, 1968. However, should more time be required for the consideration of public comments, the present arrangements will be continued in effect as required.

Dated at Washington, D.C., this 25th day of October 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

APPENDIX

CHEMICAL PROCESSING AND CONVERSION OF SPENT FUELS

The U.S. Atomic Energy Commission (the AEC) hereby announces revisions concerning its present undertaking to receive irradiated reactor fuels and blanket materials (reactor materials) and to make a settlement therefor, pursuant to the Atomic Energy Act of 1954, as amended (the Act).

The following notices concerning the foregoing are hereby superseded: 22 F.R. 1591 March 12, 1957; 23 F.R. 1707, March 12, 1958; 24 F.R. 10165, December 16, 1959; 26 F.R. 4435, May 23, 1961; 28 F.R. 11462, October 25, 1963; 29 F.R. 7578, June 12, 1964; 32 F.R. 8826, June 21, 1967; and 32 F.R. 13681, September 29, 1967.

1. In general, the AEC expects chemical processing services to be contracted for between reactor operators and commercial fuel processors without involvement of the AEC. However, in the event a person licensed pursuant to section 53.a.(4), 63.a.(4), 103 or 104 of the Act, or a person operating a reactor abroad fueled with material produced or enriched by the United States, is unable to reach agreement with a U.S. commercial fuel processor, and if such person considers that the terms and conditions, including charges, for services offered by the commercial fuel processor are unreasonable, the AEC would, upon such person's request, review such proposed terms and conditions, including charges, and determine whether the required services are available at reasonable terms and charges. Should the AEC find that such services are available at reasonable terms and charges the AEC would not agree to accept, for financial or other settlement, the person's reactor materials. Should the AEC determine that the required services are not available at reasonable terms and charges, the AEC would agree to accept the person's reactor materials in accordance with the provisions set forth below.

2. The AEC will undertake under contracts individually negotiated with persons licensed pursuant to section 53.a.(4), 63.a.(4), 103 or 104 of the Act and persons operating reactors abroad fueled with material produced or enriched by the United States, who possess or will possess reactor materials, and for whom the AEC has determined that chemical

processing services are not available from commercial fuel processors in the United States at reasonable terms and charges, to receive such reactor materials at AEC-designated facilities and to make a settlement therefor in accordance with this notice and other established AEC policies. This settlement will take into account the charges for chemical processing and conversion of the returned materials to the standard forms for which specifications and prices have been established by the AEC. The AEC may chemically process and convert all or part of such returned materials to the extent, in such manner, and at such time and place as it determines advisable, or otherwise dispose of such materials as the AEC may deem advisable.

3. A firm charge for such a service will be part of each contract, subject to escalation in accordance with an appropriate recognized price index. The term of the contract may extend from its date of execution until the following dates:

a. For reactor materials from light water-type power reactors, December 31, 1970.

b. For reactor materials from power reactors other than those of the light water-type, December 31, 1977.

c. For reactor materials from research reactors, December 31, 1970, or such later date as the Commission may determine if commercial processing services are not reasonably available.

Although the terms of the contracts will be for the foregoing period, the AEC will not be committed to accept any particular quantity of reactor materials for more than 365 days after the AEC shall have determined that commercial chemical processing services are not available at reasonable terms and charges for such reactor materials.

4. The charge for chemical processing will depend upon, among other things, the form, content, and other specifications of the reactor materials in question. It will be expressed in terms of a daily charge, fixed by AEC to apply over the time required to process the reactor materials in question.

5. For those reactor materials which can be processed by an assumed chemical processing plant, the establishment of the firm charge by AEC will be based upon the costs estimated to be associated with that plant. Copies of the report describing the assumed processing plant, (WASH-743, AEC Reference Fuel-Processing Plant) are available from USAEC, Washington, D.C. 20545. Briefly, the plant consists of equipment capable of handling one ton per day of normal and slightly enriched uranium, but having a reduced capacity for fuels of higher enrichments or high diluent contents, as determined by the criticality and other processing considerations set on the assumed plant. "Head-end" (handling, mechanical treatment, dissolution, and feed storage) equipment is designed to handle a variety of reactor materials. The product form assumed to be produced by the plant is a purified nitrate salt solution.

6. The estimated installed cost of the assumed plant, upon which firm daily processing charges will be based, is $20,570,000 as of July, 1956. The AEC has determined that the total annual cost, as of July, 1956, for operation of the assumed plant is $4,592,000, of which $2,057,000 is annual depreciation of the facility, and $2,535,000 is cost of operations, overhead, and waste storage. The amount which represents depreciation shall be adjusted, to reflect changes in price levels since 1956, in accordance with the Official Monthly Construction Cost indices, as appearing in Engineering News-Record, published by McGraw-Hill Publishing Co. The amount which represents costs of operations, overhead, and waste storage shall be adjusted in accordance with the price indices for Inorganic Chemicals, as appearing in Wholesale Prices and Price Indexes, published by the U.S. Bureau of Labor Statistics. If one or both of the indices specified are considered by AEC to be no longer appropriate, other indices will be substituted therefor by AEC. Based on this estimated annual cost, a daily cost based on 300 days of operation per year ($15,300 as of July, 1956) will be the basis for the charge for those reactor materials which can be processed in the assumed plant as presently conceived.

7. The individual contracts will define (1) a total charge in connection with chemical processing and conversion of reactor materials delivered, (2) the specifications of the reactor materials to be delivered, and (3) the batch size or sizes upon which the charge is based. In arriving at the charge, the following factors will be used:

a. The daily cost of plant operation.

(1) For those reactor materials which the assumed plant as presently conceived can process, the daily cost of plant operations is $15,300 as of July, 1956, or

(2) For those reactor materials which the AEC determines involve significantly different costs or which cannot be processed without additions or modifications to the assumed plant, the daily cost of plant operation will be established on a case-by-case basis for the particular reactor material involved. This daily cost of plant operation will include an appropriate factor to cover AEC overhead and other indirect or intangible costs. (The AEC currently is undertaking studies of several alternative bases upon which to develop specific processing costs, rather than on a case-by-case basis, for uranium-zirconium hydride fuel types discharged from research reactors, and graphite-type fuel discharged from power reactors.)

b. The reactor material processing rate.

(1) For those reactor materials which the assumed plant as presently conceived can process, the processing rate for the particular reactor material will be determined from the extraction portion of the process flow charts used in establishing the assumed plant, or

(2) For those reactor materials which the AEC determines involve significantly different costs or which cannot be processed without additions or modifications to the assumed plant, the processing rate will be established on a case-by-case basis for the particular reactor material involved. (The AEC currently is undertaking studies of several alternative bases upon which to develop specific processing rates, rather than on a case-by-case basis, for uranium-zirconium hydride fuel types discharged from research reactors, and graphite-type fuel discharged from power reactors.)

c. A charge, when U.S. Government-owned uranium or plutonium is to be processed, to cover losses made at the rate of one percent of the value of such material. The value of any such material which was provided to the person under a lease agreement with the AEC shall be determined in accordance with the lease agreement between the person and the AEC. Unless waived by the AEC, a use charge on such material will also be made to cover the normal processing time after delivery of reactor materials to the AEC.

d. A charge for the conversion to uranium hexafluoride of the purified nitrate salt of uranium (except uranium enriched in the isotope uranium-233) produced by the AEC in its processing of reactor materials as follows:

(1) Conversion of purified low-enrichment uranyl nitrate into UF_6: $5.60 per kilogram contained uranium.

(2) Conversion of purified high-enrichment uranyl nitrate into UF_6: $32 per kilogram contained uranium.

As used in this section "low-enrichment uranium," means 5 percent (by weight) and less of U^{235} in total uranium, and "high enrichment uranium" means more than 5 percent (by weight) of U^{235} in total uranium.

e. A charge, when U.S. Government-owned uranium is to be processed, to cover the loss of material which would normally occur in the conversion of the nitrate salt of uranium into uranium hexafluoride equivalent to three-tenths of 1 percent of the value or worth of the uranium to be converted into uranium hexafluoride. The value of the uranium shall be determined as set forth in section 7(c) of this notice. Unless waived by the AEC, a use charge shall be made covering normal time for the conversion to uranium hexafluoride of the nitrate salt of uranium (except uranium enriched in the isotope uranium-233) recovered from uranium held by the person under a lease agreement with the AEC.

f. Batch size determination: The size of the processing batch to be shipped shall be as specified by the person, provided that if the processing batch contains any uranium or plutonium provided to the person under a lease agreement with the AEC which, at any time after the date of termination of irradiation of such material, was not subject to a use charge under the lease agreement, the size of such processing batch shall be subject to the following:

(1) The person may specify as a batch any amount of components of reactor materials to the extent that the dates of termination of irradiation of all components occurred during any continuous period of 1 year. The date of termination of irradiation for any component of reactor material means the date on which the reactor loading containing the component of reactor material was last made subcritical before the component of reactor material was discharged from the reactor;

(2) The person may also specify as a batch any amount of components of reactor materials notwithstanding that the dates of termination of irradiation of all components occurred during a continuous period in excess of 1 year, on the condition that the person will pay to the AEC, in addition to any charges set forth in this notice, a charge equivalent to the use charge provided for in the lease agreement with the AEC with respect to all leased material in the batch, such charge to be computed for each component of reactor material of the batch beginning on the date when the component of reactor material was considered to be cooled and ending when delivery of the total batch to the AEC was completed. Reactor material shall be considered as being cooled when the period specified below has elapsed subsequent to termination of irradiation of the reactor material.

If thorium had not been incorporated in the reactor material assemblies prior to irradiation, the cooling periods are as follows:

(aa) For uranium that contained not more than 6-weight percent of uranium-235 in total uranium before irradiation and that has been irradiated in a nuclear reactor in which the neutron energies were primarily in the thermal region, the cooling period for the purposes of this notice shall be 120 days.

(bb) For uranium not meeting the conditions in (aa) above, the cooling period for the purposes of this notice will be determined by the AEC on request by the person, but will not exceed 180 days.

If thorium had been incorporated in the reactor material assemblies prior to irradiation, the cooling period for the purposes of this notice shall be as given in the following table where the value used for grams of protactinium-233 per kilogram of uranium-

233 shall be determined as a whole for each thorium-containing component of reactor material in the batch. Linear interpolation shall be used between the values tabualted.

Grams of protactinium-233 per kilogram of uranium-233 immediately after termination of irradiation:	*Cooling period in days*
20 or less	120
45	150
75	170
140	190
250	210
500	230

g. Time required to cover startup, shutdown, and cleanup of the process system between batches which will be not less than 2 days nor more than 8 days, and will equal the processing time determined under subsections 7 (b) and (f) when between these limits.

8. Persons who have contracted with the AEC for these processing services will be credited with the value of U.S. Government-owned uranium and plutonium contained in the reactor materials in accordance with the appropriate AEC price schedules for such materials, less the processing and other charges as determined in the above manner. The AEC will compensate the person for privately owned uranium and plutonium contained in the reactor materials in accordance with the AEC policy in effect at the time of delivery of the reactor materials by the person to the AEC. The compensation by the AEC will consist of cash where appropriate, otherwise it will consist of the provision of materials of equivalent value. The AEC will thereby acquire title to such uranium and plutonium. The AEC will also acquire title, without additional cost, to all waste materials contained in the reactor materials which were not previously the property of the United States.

9. The AEC will permit persons to combine batches with those of other persons in order to obtain a lower processing charge. Persons must notify the AEC of their intent to combine batches prior to delivery of any reactor materials to be included in a proposed batch. Specific arrangements for the combining of batches must meet with AEC approval and such arrangements must include a formula for distributing the processing charges as well as the other settlement factors associated with the return of reactor materials to the AEC.

10. Notwithstanding anything to the contrary appearing in this notice, the charge through December 31, 1970, for chemical processing only of enriched uranium (other than U^{233})—aluminum alloy spent fuels of the type which the assumed plant can process shall be $145 per kilogram of the total weight of uranium and aluminum metal contained in the processing batch: *Provided*, That the processing batch contains less than 400 kilograms of total weight of uranium and aluminum metal and the U^{233} content of the processing batch does not exceed 10 percent of the total weight of the uranium and aluminum metal. All other charges provided for in this notice, such as for conversion, losses of material, and use charges, shall apply to any such processing batch of spent fuels. The provisions of this paragraph 10 shall be applicable only in the event that a person agrees to accept the AEC's determination of the amount of uranium contained in a processing batch, which determination shall be based upon the AEC's statistical measurement methods. (It should be noted that the AEC charge of $145 per kilogram of uranium and aluminum metal for processing uranium-aluminum alloy fuel delivered to AEC in batches of less than 400 kilograms of metal incorporates the advantages of actual processing by AEC of relatively large batches of accumulated fuel in large AEC facilities and proportionate sharing of the costs of processing and waste storage with other AEC operations at the same site. The AEC estimates that the $145 per kilogram of metal charge covers applicable direct and indirect costs, separate headend measurements, depreciation, waste storage costs, and AEC's overhead charge.)

11. Additional information concerning this notice may be obtained from the U.S. Atomic Energy Commission, Washington, D.C. 20545.

[F.R. Doc. 67-12813; Filed, Oct. 31, 1967; 8:45 a.m.]

[Docket No. 50-290]

UNITED NUCLEAR CORP.

Notice of Extension of Completion Date

The Atomic Energy Commission has issued an order extending to December 1, 1967, the latest completion date for Construction Permit No. CPCX-27. The permit authorizes United Nuclear Corp. to construct a critical experiment facility (Proof Test Facility) on its Remote Experimental Station site near Pawling, N.Y.

Copies of the order and the application, dated October 13, 1967, by United Nuclear Corp., are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 23d day of October 1967.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 67-12814; Filed, Oct. 31, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18974; Order E-25889]

JAMESTOWN AVIATION CO.

Establishment of Final Service Mail Rate; Order To Show Cause

Issued under delegated authority October 26, 1967.

By petition, filed on September 5, 1967, Jamestown Aviation Co. requests the Board to establish a final service mail rate of 65 cents per mile for the transportation of mail by aircraft between Jamestown, N.Y., and Buffalo, N.Y.

Petitioner is currently engaged in business as an air taxi under Part 298 of the Board's economic regulations. Petitioner will utilize both single and twin engine Piper aircraft in the proposed service, and believes the rate proposed constitutes a fair and reasonable final service mail rate for this service. In its answer, filed September 15, 1967, the Post Office supported Jamestown Aviation's petition, and stated it believed the proposed rates represent fair and reasonable rates for the services which petitioner will perform.

By Order E-25876, October 25, 1967, in this docket, the Board determined to permit petitioner to provide the proposed air transportation of mail for the period terminating June 30, 1969. Since no mail rate is presently in effect for this carrier in these markets, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Jamestown Aviation Co. by the Postmaster General for the air transportation of mail.

Under the circumstances, the Board finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Jamestown Aviation Co. by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition and other matters officially noticed, the Board proposes to issue an order[1] to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Jamestown Aviation Co., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between Jamestown, N.Y., and Buffalo, shall be 65 cents per mile;

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302 and 14 CFR Part 385(f):

It is ordered, That: 1. All interested persons and particularly Jamestown Aviation Co., the Postmaster General, Allegheny Airlines, Inc., and Mohawk Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above, as the fair and reasonable rate of compensation to be paid to Jamestown Aviation Co. for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

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[1] As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR, Part 385). The provisions of that Part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

3. If notice of objection is not filed within 10 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Jamestown Aviation Co., the Postmaster General, Allegheny Airlines, Inc., and Mohawk Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-12891; Filed, Oct. 31, 1967; 8:50 a.m.]

[Docket No. 18014]

REVISED CHARGES FOR LIVE ANIMALS AND BIRDS

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be heard on November 21, 1967, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., October 26, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-12892; Filed, Oct. 31, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17818; FCC 67M-1810]

BRAINERD VIDEO

Order Scheduling Hearing

In re cease and desist order to be directed against Brainerd Video, owner and operator of a CATV system at Brainerd, Minn.; Docket No. 17818.

It is ordered, That Forest L. McClenning shall serve as presiding officer in the above-entitled proceeding; that the hearings therein shall be convened on November 30, 1967, at 10 a.m.; and that a prehearing conference shall be held on November 22, 1967, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall take place in the Offices of the Commission, Washington, D.C.

Issued: October 26, 1967.

Released: October 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-12895; Filed, Oct. 31, 1967; 8:51 a.m.]

[Docket No. 16792; FCC 67M-1813]

CITY OF CAMDEN AND L & P BROADCASTING CORP.

Order Regarding Procedural Dates

In re application of City of Camden (Assignor), Docket No. 16792, File No. BAL-5702; and L & P Broadcasting Corp. (Assignee); for assignment of license of station WCAM, Camden, N.J.

The Hearing Examiner having under consideration the joint petition for continuance filed on October 24, 1967, by the City of Camden and L & P Broadcasting Corp.;

It appearing, that as a consequence of the designation of the instant application for hearing agreement has been reached between the parties looking toward the assignment of the contract to a third party, the filing of an application with the Commission to effectuate the proposed assignment of license and dismissal of the instant application.

It further appearing, that the contemplated action requires preliminary actions by the City Council of the City of Camden and resolution of other statutory procedural matters which will require a minimum period of 70 days;

It further appearing, that all parties have consented to immediate consideration and grant of the instant request and good cause for grant thereof is shown:

It is ordered, That all previously established procedural dates herein are canceled including the date for commencement of hearing on November 27, 1967, and the proceeding is continued without date.

Issued: October 25, 1967.

Released: October 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-12896; Filed, Oct. 31, 1967; 8:51 a.m.]

[Docket No. 17817; FCC 67M-1811]

COSMOS CABLEVISION CORP.

Order Scheduling Hearing

In re petition by Cosmos Cablevision Corp., Darlington, S.C., Docket No. 17817, File No. CATV 100-182; for authority pursuant to § 74.1107 of the rules to serve and operate a CATV system in the Columbia, S.C., television market.

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on December 13, 1967, at 10 a.m.; and that a prehearing conference shall be held on November 15, 1967, commencing at 9 am.: *And, it is further ordered,* That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: October 26, 1967.

Released: October 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-12897; Filed, Oct. 31, 1967; 8:51 a.m.]

[Docket Nos. 17763-17773; FCC 67M-1807]

GENERAL TELEPHONE COMPANY OF THE NORTHWEST, INC.

Order Continuing Hearing

In re applications of General Telephone Company of the Northwest, Inc., Docket No. 17763, File No. 5661-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Everett, Wash.; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Deer Creek Flat near Index, Wash., Docket No. 17764, File No. 5662-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Maloney Lookout near Skykomish, Wash., Docket No. 17765, File No. 5663-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Stevens Pass near Scenic, Wash., Docket No. 17766, File No. 5664-C1-P-66; General Telephone Company of the Northwest, Docket No. 17767, File No. 5665-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Richland, Wash.; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Sentinel Mountain near Beverly, Wash., Docket No. 17768, File No. 5666-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Quincy, Wash., Docket No. 17769, File No. 5667-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Horselake Mountain near Wenatchee, Wash., Docket No. 17770, File No. 5668-C1-P-66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Miners Ridge near Lake Wenatchee Resort Area, Wash., Docket No. 17771, File No. 5669-C1-P-66; for a construction permit to

establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Wenatchee, Wash., Docket No. 17772, File No. 5670–C1–P–66; for a construction permit to establish new facilities in the Domestic Public Point-to-Point Microwave Radio Service at Lake Wenatchee near Plain, Wash., Docket No. 17773, File No. 5671–C1–P–66.

Pursuant to a prehearing conference as of this date: *It is ordered*, That the exchange of the direct written cases shall be accomplished on or before December 22, 1967, and the notification of witnesses desired for cross-examination shall be accomplished on or before January 3, 1968;

It is further ordered, That the hearing now scheduled for November 21, 1967, be and the same is hereby rescheduled for January 22, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: October 25, 1967.

Released: October 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12898; Filed, Oct. 31, 1967; 8:51 a.m.]

[Docket Nos. 17778, 17779; FCC 67M–1814]

GRAYSON TELEVISION CO., INC., AND HERCULES BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of Grayson Television Co. Inc., Sacramento, Calif., Docket No. 17778, File No. BPCT–3698; Hercules Broadcasting Co., Sacramento, Calif., Docket No. 17779, File No. BPCT–3812; for construction permit for new television broadcast station (Channel 15).

A prehearing conference having been held on October 25, 1967:

It is ordered, That:

(1) The direct cases of the parties shall be presented primarily in the form of sworn, written exhibits, but may be supplemented by oral testimony;

(2) On or before December 18, 1967, the parties shall exchange copies of any exhibits to be offered in support of their direct cases, together with a list of all witnesses to be presented orally and a brief statement as to the scope of the testimony of each such witness;

(3) Any party wishing the sponsor of any exhibit produced for cross-examination shall give notification thereof on or before January 5, 1968; and

(4) Hearing shall commence on January 15, 1968, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: October 25, 1967.

Released: October 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12899; Filed, Oct. 31, 1967; 8:51 a.m.]

[Docket Nos. 17742, 17743; FCC 67M–1804]

PATRIOT STATE TELEVISION, INC., AND BOSTON HERITAGE BROADCASTING, INC.

Order Continuing Hearing

In re applications of Patriot State Television, Inc., Boston, Mass., Docket No. 17742, File No. BPCT–3771; Boston Heritage Broadcasting, Inc., Boston, Mass., Docket No. 17743, File No. BPCT–3794; for construction permit for new television broadcast station (Channel 68).

Pursuant to a prehearing conference as of this date: *It is ordered*, That the hearing now scheduled for December 18, 1967, be and the same is hereby rescheduled for January 29, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: October 24, 1967.

Released: October 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12900; Filed, Oct. 31, 1967; 8:51 a.m.]

[Docket No. 17735; FCC 67M–1797]

DONALD J. ROBERTSON

Order Scheduling Hearing

In the matter of Donald J. Robertson, Milwaukie, Oreg., Docket No. 17735; order to show cause why the license for radio station KOX–2747 in the Citizens Radio Service should not be revoked.

It is ordered, That Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; and that the hearing therein shall be convened in the offices of the Commission, Washington, D.C., on January 10, 1968, at 10 a.m.

Issued: October 24, 1967.

Released: October 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12901; Filed, Oct. 31, 1967; 8:51 a.m.]

[Docket No. 17635; FCC 67M–1806]

T. J. SHRINER

Order Continuing Hearing

In re application of T. J. Shriner, Bellaire, Texas, Docket No. 17635, File No. BP–12137; for construction permit.

For the reasons advanced in an order released October 9, 1967 (FCC 67M–1671): *It is ordered*, That the hearing herein presently scheduled for November 8, 1967, be and the same is hereby continued without date.

Issued: October 25, 1967.

Released: October 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12902; Filed, Oct. 31, 1967; 8:51 a.m.]

[Docket No. 17186; FCC 67M–1798]

VESTAL VIDEO, INC., AND EASTERN MICROWAVE, INC.

Order Scheduling Further Prehearing Conference

In the matter of Vestal Video, Inc., Vestal, N.Y., Complainant, versus Eastern Microwave, Inc., Syracuse, N.Y., Defendant, Docket No. 17186.

Upon the unopposed verbal request of counsel for Eastern Microwave, Inc.: *It is ordered*, That a further hearing conference in lieu of hearing in the above-entitled proceeding will be held November 6, 1967, 9 a.m., in the offices of the Commission, Washington, D.C.

Issued: October 24, 1967.

Released: October 26, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–12905; Filed, Oct. 31, 1967; 8:51 a.m.]

[FCC 67–1176]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

In accordance with the Commission's action of October 25, 1967, granting a waiver of §§ 73.37(a) and 1.571(c) of its rules to permit acceptance and expeditious consideration of this application to reestablish the deleted facilities of Station WZZZ, Boynton Beach, Fla., notice is hereby given that on December 5, 1967, the following application:

Boynton Beach, Fla., North American Broadcasting Co., Inc., Req: 1510 kc, 1 kw, Day, Class II,

will be considered as ready and available for processing. Similarly, we hereby waive the provisions of these sections for timely filed applications proposing essentially the same facilities at Boynton Beach, Fla. Pursuant to the provisions of §§ 1.227(b)(1) and 1.591(b) of the rules, an application, in order to be considered with this application, or with any other application on file by the close of business on December 4, 1967, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on December 4,

1967, or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: October 25, 1967.

Released: October 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-12903; Filed, Oct. 31, 1967; 8:51 a.m.]

[Docket No. 14419; FCC 67-1191]

GUIDELINES FOR PRESUNRISE OPERATING AUTHORITY WAIVER REQUESTS

Order Revising Memorandum Opinion and Order

In the matter of amendment of the rules with respect to hours of operation of standard broadcast stations, Docket No. 14419, RM-268.

1. On October 11, 1967, the Commission adopted a memorandum opinion and order (FCC 67-1143), paragraph 65(c) of which provided as follows:

> Existing presunrise operations on 930 kc/s by stations having PSA proposals on file (but not presently grantable because of the outstanding stay order involving this frequency) may continue beyond October 28, 1967, pending final outcome of WBEN v. USA & FCC (Case No. 31688, U.S. Court of Appeals, Second Circuit), but such operations shall be adjusted in accordance with the agreement with Canada respecting time and permissible power.

2. The Commission has, on its own motion, reconsidered the above-quoted language in light of the order entered October 2, 1967, by the U.S. Court of Appeals (Second Circuit) staying the grant of any presunrise service authority (PSA) on 930 kc/s which would cause interference within the protected service area of Radio Station WBEN, Buffalo, N.Y.

3. Forty-seven standard broadcast stations on this channel are eligible for PSA's under the new presunrise rules. 47 CFR 73.99. Nineteen (19) of the 47 would cause nighttime interference to WBEN if 500-watt PSA's were granted under the new rules. The grant of these stations' PSA proposals now is clearly proscribed by the terms of the stay. Two (2) of the 19, however, are presently operating during the presunrise hours by virtue of our inaction on WBEN's long-standing petitions to deny their applications for renewal of station license: WITN, Washington, N.C., and WSEV, Sevierville, Tenn. A question obtains as to whether these two stations, and any other stations similarly operating, may be allowed to continue their existing "permissive" operations beyond October 28, 1967, as contemplated by paragraph 65(c), supra, without violating the mandate of the court.

4. Upon reconsideration of this matter, we have concluded that continued presunrise operation beyond the October 28 deadline by stations in this category, under the "permissive" provisions of former § 73.87 of the rules, would be inconsistent with the October 2 stay. We therefore find it necessary to terminate all sources of objectionable interference within WBEN's normally protected nighttime service area until such time as the WBEN litigation is concluded.

5. *Accordingly, it is ordered,* That paragraph 65(c) of the Commission's memorandum opinion and order of October 11, 1967, is revised to read as follows:

> Pending final outcome of WBEN, Inc. v. USA & FCC (Case No. 31688, U.S. Court of Appeals, Second Circuit), no presunrise operation shall be authorized under § 73.99 of the rules, nor continued under former § 73.87 of the rules, if objectionable interference would be caused within WBEN's normally protected nighttime service area.

Adopted: October 25, 1967.

Released: October 27, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-12904; Filed, Oct. 31, 1967; 8:51 a.m.]

[1] Commissioner Bartley absent.

FEDERAL MARITIME COMMISSION

MEDITERRANEAN-USA GREAT LAKES WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Eric G. Brown, Secretary, Mediterranean-USA Great Lakes Westbound Freight Conference, 10, Place de la Joliette, Marseilles, France.

Agreement No. 9020-3, between the members of the Mediterranean-USA Great Lakes Westbound Freight Conference, modifies the basic agreement (1) by substituting Cadiz for Sevilla as a loading port from September 15, 1967, to the end of the open water season in Article 3 and (2) by amending Article 9 to provide that a call at Cadiz will count as a call at Sevilla in fulfilling service obligations.

Dated: October 27, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 67-12873; Filed, Oct. 31, 1967; 8:49 a.m.]

[1] Commissioners Bartley and Wadsworth absent.

FEDERAL POWER COMMISSION

[Docket No. CP68-37]

MICHIGAN WISCONSIN PIPE LINE CO. AND MICHIGAN CONSOLIDATED GAS CO.

Notice of Petition To Amend

OCTOBER 25, 1967.

Take notice that on October 18, 1967, Michigan Wisconsin Pipe Line Co. (Michigan), One Woodward Avenue, Detroit, Mich. 48226, and Michigan Consolidated Gas Co. (Consolidated), One Woodward Avenue, Detroit, Mich. 48226 (Petitioners), filed in Docket No. CP68-37 a petition to amend the order issued by the Commission September 22, 1967, by authorizing petitioners to increase the volumes of natural gas delivered to Great Lakes Gas Transmission Co. (Lakes) from 5 million Mcf to 8 million Mcf, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order, Michigan was authorized to transport for Lakes up to 5 million Mcf of natural gas for a period of 90 days pending completion of Lakes' phase I facilities, said volumes to be delivered by Michigan to Consolidated who would in turn redeliver equal volumes to Lakes at an interconnection in the Belle River Mills Storage Field, St. Claire County, Mich., said volumes to be transported by Lakes for the account of Trans-Canada Pipe Lines Ltd. (Transcan). By the instant filing, petitioners seek authorization to increase the volumes to be delivered from the 5 million Mcf presently authorized to the 8 million Mcf requested by Lakes. Petitioners state that the original agreement provided for the abovementioned deliveries for a period of 90 days

until Lakes could complete its phase I facilities, said facilities to have been completed by November 1, 1967. Lakes has now indicated to petitioners that such facilities can not be completed before the end of November 1967, and as November 1 is the beginning of Transcan's new contract year and such new contracts call for greater volumes of natural gas, it is necessary that petitioners provide such additional volumes to enable Transcan to meet its market requirements until the completion of the facilities mentioned above.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 24, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12821; Filed, Oct. 31, 1967; 8:45 a.m.]

[Docket No. CP68-134]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 24, 1967.

Take notice that on October 18, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP68-134 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization to construct and operate a measuring station to enable it to deliver to Southern Union Gas Co. (Southern) volumes of natural gas on a standby basis. Applicant states that the proposed measuring station will be located on applicant's 20-inch pipeline, Upton County, Tex., near the facilities of Southern. Applicant further states that such facilities will be used to provide emergency service to Southern of up to 2,000 Mcf per day of natural gas in the event that Southern's gas supply is interrupted or curtailed and will be made only after applicant has determined that such deliveries can be made without impairing service to its other customers. Applicant also states that the service proposed above will be rendered pursuant to a contract between applicant and Southern, dated July 31, 1967, under which Southern will pay applicant $360 per year plus 29¢ per Mcf for all gas delivered.

Applicant estimates the total cost of the facilities proposed at approximately $1,145, said cost to be reimbursed in full by Southern.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before November 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12822; Filed, Oct. 31, 1967; 8:45 a.m.]

[Docket Nos. RI67-453, RI67-454]

SAMEDAN OIL CORP. ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filings

OCTOBER 25, 1967.

On May 31, 1967, Samedan Oil Corp. and Samedan Oil Corp. et al. (both referred to herein as Samedan) filed with the Commission proposed rate increases from 15.0 cents to 17.0 cents[1] and 17.0 cents to 18.0 cents[2] under its FPC Gas Rate Schedule Nos. 11 and 15, respectively, which pertain to its jurisdictional sales of natural gas from Love County, Okla. (Oklahoma "Other" Area) and Beaver County, Okla. (Panhandle Area) to Cimarron Transmission Co. and Northern Natural Gas Co., respectively. The Commission by order issued June 16, 1967, in Docket Nos. RI67-453 and RI67-454, suspended for 5 months Samedan's rate filings until December 1, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Samedan's proposed rate increases have not been made effective pursuant to section 4(e) of the Natural Gas Act.

On October 2, 1967, Samedan submitted amended notices of change in rates, designated as Supplement No. 1 to Supplement Nos. 6 and 4 to Samedan's FPC Gas Rate Schedule Nos. 11 and 15, respectively, amending the supplements to the aforementioned rate schedules to provide for rate increases to 17.0175 cents (Supplement No. 1 to Supplement No. 6) and 18.015 cents (Supplement No. 1 to Supplement No. 4) instead of the 17.0 cents and 18.0 cents per Mcf rates filed on May 31, 1967. Samedan now proposes to further increase the suspended rates to include partial tax reimbursement for the increase in the Oklahoma Excise Tax which became effective on July 1, 1967.

Samedan's proposed 17.0175 cents and 18.015 cents per Mcf rates exceed the area ceiling for increased rates in Oklahoma "Other" and Panhandle Areas as announced in the Commission's Statement of General Policy No. 61-1, as amended, as did the previously suspended rates in said dockets. Since Samedan's amended filings include partial reimbursement for the tax increase imposed by the State of Oklahoma, we believe that it would be in the public interest to accept the amended filings subject to the suspension proceedings in Docket Nos. RI67-453 and RI67-454, with the suspension periods of such amended rate filings to terminate concurrently with the suspension periods (December 1, 1967) of the original rate filings in said docket.

Samedan request a retroactive effective date of July 1, 1967, the date the Oklahoma tax increase became effective, for their amended rate filings. Good cause has not been shown for waiving the 30-day notice requirement provided by section 4(d) of the Natural Gas Act to permit an earlier effective date for Samedan's proposed rate filings and such requests are denied.

The Commission orders:

(A) The suspension order issued June 16, 1967, in Docket Nos. RI67-453 and RI67-454, is amended only so far as to permit the 17.0175 cents and 18.015 cents rates provided in Supplement No. 1 to Supplement Nos. 6 and 4 to Samedan's FPC Gas Rate Schedule Nos. 11 (Samedan) and 15 (Samedan et al.), respectively, to be filed to supersede 17.0 cents and 18.0 cents per Mcf rates contained in Supplement Nos. 6 and 4 to the aforementioned rate schedules, subject to the suspension proceedings in Docket No. RI67-453 and RI67-454. The suspension periods for such substitute filings shall terminate concurrently with the suspension periods (December 1, 1967) presently in effect in said dockets.

(B) In all other respects, the order issued by the Commission on June 16, 1967, in Docket Nos. RI67-453 and RI67-454, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-12823; Filed, Oct. 31, 1967; 8:45 a.m.]

[1] Designated as Supplement No. 6 to Samedan's FPC Gas Rate Schedule No. 11.
[2] Designated as Supplement No. 4 to Samedan et al. FPC Gas Rate Schedule No. 15.

[Docket No. CP68-135]

UNITED GAS PIPE LINE CO.

Notice of Application

OCTOBER 25, 1967.

Take notice that on October 18, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La.

71102, filed in Docket No. CP68–135 an application pursuant to subsection (c) of section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install and operate one 550 horsepower Ingersoll-Rand compressor unit and appurtenant piping facilities at its Jackson Compressor Station, Rankin County, Miss. Applicant states that the proposed compressor unit will be used to provide additional flexibility during the injection cycle of the Jackson Storage Field and to reinforce mainline service during peak periods.

Applicant estimates the total cost of the facilities proposed at approximately $90,550, said cost to be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (§ 157.10) on or before November 24, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–12824; Filed, Oct. 31, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

BARNETT NATIONAL SECURITIES CORP.

Order Approving Applications Under Bank Holding Company Act

In the matter of the applications of Barnett National Securities Corp., Jacksonville, Fla., for approval of acquisition of 80 percent or more of the voting shares of The American National Bank & Trust Co. in Winter Haven, Winter Haven, Fla., and The American National Bank in Cypress Gardens, Cypress Gardens, Fla.

There have come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C., 1842(a)(3)) and § 222.4 (a)(3) of Federal Reserve Regulation Y (12 CFR 222.4(a)(3)), applications by Barnett National Securities Corp., Jacksonville, Fla., for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The American National Bank & Trust Co. in Winter Haven, Winter Haven, Fla., and The American National Bank in Cypress Gardens, Cypress Gardens, Fla.

As required by section 3(b) of the Act, the Board notified the Comptroller of the Currency of the applications and requested his views and recommendation. The Comptroller recommended approval of both applications.

Notice of receipt of the applications was published in the FEDERAL REGISTER on July 26, 1967 (32 F.R. 10939), providing an opportunity for interested persons to submit comments and views with respect to the proposals. A copy of each of the applications was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said applications be and hereby are approved, provided that the acquisitions so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

Dated at Washington, D.C., this 25th day of October 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67–12828; Filed, Oct. 31, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7–2755]

GULF & WESTERN INDUSTRIES, INC. (DELAWARE)

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 26, 1967.

In the matter of application of the Pacific Coast Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Gulf & Western Industries, Inc. (Delaware), File No. 7–2755.

Upon receipt of a request, on or before November 9, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–12838; Filed, Oct. 31, 1967; 8:46 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

OCTOBER 25, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 26, 1967, through November 4, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67–12837; Filed, Oct. 31, 1967; 8:46 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Daane, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Sherrill.

[812-2197]

NUVEEN TAX-EXEMPT BOND FUND, SERIES 16

Notice of Filing of Application for Order of Exemption

OCTOBER 25, 1967.

Notice is hereby given that Nuveen Tax-Exempt Bond Fund, Series 16 ("Applicant"), 209 South LaSalle Street, Chicago, Ill. 60604, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a new worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is one of a series of 16 similar funds, named "Nuveen Tax-Exempt Bond Funds, Series 1–16," organized pursuant to a Trust Identure and Agreement ("Trust Agreement") between John Nuveen & Co. (Inc.), as sponsor, and United States Trust Company of New York, as trustee. It is contemplated that the Sponsor will deposit with the Trustee under the Trust Agreement a minimum of $8 million principal amount of municipal bonds and will receive in exchange therefor certificates of undivided interest in Applicant. It is proposed to offer such units for sale to the public and for this purpose a registration statement under the Securities Act of 1933 has been filed and has not yet become effective. The Trust Agreement provides in substance that no additional bonds will be deposited during the life of the Trust and no additional units will be issued. The proceeds of bonds which may be sold, redeemed or matured will be distributed to unit holders. Units may be redeemed by the holders at their current net asset value. The Trust may be terminated by written consent of 100 percent of the unit holders of Applicant, or, in the event that the value of the Applicant shall fall below 20 percent of the aggregate principal amount of bonds initially deposited therein, upon direction of the sponsor to the trustee.

In connection with the requested exemption, the sponsor has agreed to refund the original price including sales load, paid by purchasers for units, if within 90 days after the registration of Applicant under the 1933 Act becomes effective, the net worth of Applicant shall be reduced to less than $100,000. Applicant further represents that at the present time the sponsor maintains a market for the units of the Nuveen Tax-Exempt Bond Funds, with which it is similarly connected, and continually offers to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions. In addition, it is the sponsor's intention to maintain a market for the units of Applicant and to continually offer to purchase such units at prices in excess of the redemption price as set forth in the trust agreement, although the sponsor is not obligated to do so.

Notice is further given that any interested person may, not later than November 14, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–12839; Filed, Oct. 31, 1967; 8:47 a.m.]

[File No. 1–1277]

PENROSE INDUSTRIES CORP.

Order Suspending Trading

OCTOBER 25, 1967.

The common stock $2 par value, of Penrose Industries Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent Cumulative Convertible Preferred stock, $20 par value of Penrose Industries Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 26, 1967 through November 4, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–12840; Filed, Oct. 31, 1967; 8:47 a.m.]

POWER OIL CO.

Order Terminating Summary Suspension of Trading

OCTOBER 25, 1967.

The common stock of Power Oil Co., Houston, Tex., and all other securities of Power Oil Co. being traded otherwise than on a national securities exchange; and

The Commission having, on October 20, 1967, issued an order pursuant to section 15(c)(5) of the Securities Exchange Act of 1934 summarily suspending trading in said securities effective for the period October 22, 1967, through October 31, 1967; and

The Commission being of the opinion that the public interest does not require the continuance of said suspension of trading after October 29, 1967:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that the suspension of trading pursuant to said order of October 20, 1967, shall terminate effective at the opening of business on October 30, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–12841; Filed, Oct. 31, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 470]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

OCTOBER 27, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Deviation No. 26) (Correction), HERRIN TRANSPORTATION COMPANY, Post Office Box 1140, Houston, Tex. 77001, filed September 5, 1967, amended September 25, 1967. Previous notice published in the FEDERAL REGISTER on October 18, 1967, was in error in describing the proposed deviation route. The correct deviation route as proposed is as follows: From Memphis, Tenn., over U.S. Highway 72 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to junction Alabama Highway 67, at or near Decatur, Ala., thence over Alabama Highway 67 to junction U.S. Highway 278, thence over U.S. Highway 278 to Macon, Ga., and return over the same route for operating convenience only.

No. MC 30311 (Deviation No. 5), A.C.E.—FREIGHT, INC., Post Office Box 123, Northfield, Ohio 44067, filed October 18, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Marion, Ohio, over U.S. Highway 23 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Interstate Highway 70, thence over Interstate Highway 70 (U.S. Highway 40) to New Stanton, Pa., thence over U.S. Highway 119 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 422, at Ebensburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Youngstown, Ohio, over U.S. Highway 422, to junction Ohio Highway 169, thence over Ohio Highway 169 to Warren, Ohio, thence over Ohio Highway 5 to Akron, Ohio, thence over Ohio Highway 18 to Medina, Ohio, thence over U.S. Highway 42 to Mansfield, Ohio, thence over U.S. Highway 30–S to Lima, Ohio, thence over U.S. Highway 25 to Wapakoneta, Ohio, thence over U.S. Highway 33 to St. Marys, Ohio, thence over Ohio Highway 29 to the Ohio-Indiana State line, thence over Indiana Highway 67 to Indianapolis, Ind., thence over Indiana Highway 34 to Crawfordsville, Ind. (also from the Ohio-Indiana State line over Indiana Highway 67 to junction unnumbered highway approximately 2 miles east of Anderson, Ind., thence over unnumbered highway to junction Indiana Highway 32, thence over Indiana Highway 32 to Crawfordsville), thence continuing over Indiana Highway 34 to the Indiana-Illinois State line, thence over Illinois Highway 10 to Danville, Ill., thence over U.S. Highway 150 to Peoria, Ill., (2) from Youngstown, Ohio, over U.S. Highway 62 via Salem, Ohio, to Canton, Ohio, thence over Ohio Highway 8 to Akron, Ohio (also from Youngstown over Ohio Highway 18 to Akron; also from Salem over Ohio Highway 14 to Edinburg, Ohio, thence over Ohio Highway 18 to Akron), thence to Mansfield as specified above, thence over U.S. Highway 30–N to Delphos, Ohio, thence over U.S. Highway 30 to Van Wert, Ohio, thence over U.S. Highway 224 to Huntington, Ind., thence over U.S. Highway 24 to Peoria, Ill., (3) from Tiffin, Ohio, over Ohio Highway 100 to junction Ohio Highway 19, thence over Ohio Highway 19 to Bucyrus, Ohio, thence over Ohio Highway 4 to Marion, Ohio, and (4) from Akron, Ohio, over Ohio Highway 18 to Youngstown, Ohio (also from Akron over Ohio Highway 8 to Canton, Ohio, thence over U.S. Highway 30 to junction Ohio Highway 7, thence over Ohio Highway 7 to Youngstown), thence over U.S. Highway 422 to New Castle, Pa. (also from Akron over U.S. Highway 224 to New Castle), thence over U.S. Highway 422 to Ebensburg, Pa., and return over the same routes.

No. MC 30311 (Deviation No. 6), A.C.E.—FREIGHT, INC., Post Office Box 123, Northfield, Ohio 44067, filed October 19, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80 west of Youngstown, Ohio, thence over Interstate Highway 80 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Akron, Ohio, over Ohio Highway 18 to Youngstown, Ohio (also from Akron, over Ohio Highway 8 to Canton, Ohio, thence over U.S. Highway 30 to junction Ohio Highway 7, thence over Ohio Highway 7 to Youngstown), thence over U.S. Highway 422 to New Castle, Pa. (also from Akron over U.S. Highway 224 to New Castle, Pa.), thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highway 9 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany, N.Y. (also from Newark, over U.S. Highway 9 to Albany), and thence over New York Highway 32 to Troy N.Y., and return over the same routes.

No. MC 107353 (Deviation No. 2), HELPHREY MOTOR FREIGHT, INC., 3417 East Springfield, Spokane, Wash., 99202, filed October 17, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Portland, Oreg., over Interstate Highway 80–N to junction U.S. Highway 730, hence over U.S. Highway 730 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Interstate Highway 90, thence over Interstate Highway 90 to Spokane, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Coram, Mont., over U.S. Highway 2 to junction unnumbered highway approximately 2 miles east of Glasgow, Mont., thence over unnumbered highway to the site of the Glasgow Air Force Base, approximately 22 miles northeast of Glasgow, Mont., (2) from Glasgow, Mont., over Montana Highway 24 to Fort Peck, Mont., (3) from Havre, Mont., over U.S. Highway 2 to junction U.S. Highway 87, thence over U.S. Highway 87 to Great Falls, Mont., (4) Browning Mont., over U.S. Highway 2 to junction U.S. Highway 89, thence over U.S. Highway 89 to Great Falls, Mont., (5) from Shelby, Mont., over U.S. Highway 2 to junction U.S. Highway 91, thence over U.S. Highway 91 to Great Falls, Mont., (6) from Spokane, Wash., over U.S. Highway 2 (formerly Alternate U.S. Highway 10) to Wilbur, Wash., thence over Washington Highway 21 to junction Washington Highway 174 (formerly Washington Highway 4–C), thence over Washington Highway 174 to Coulee Dam, Wash., thence over Washington Highway 155 (formerly Washington Highway 10–A), to Omak, Wash. (also from Wilbur over U.S. Highway 2 (formerly Alternate U.S. Highway 10) to junction Washington Highway 17 (formerly Washington Highway 10), thence over Washington Highway 17 to junction Washington Highway 172, thence over Washington Highway 172 via Mansfield, Wash., to junction unnumbered highway, thence over unnumbered highway to junction Washington Highway 17 (formerly portion Washington Highway 10), thence over Washington Highway 17 to Brewster, Wash., thence over U.S. Highway 97 to Omak), thence over U.S. Highway 97 to Oroville, Wash., (6) from Oroville, Wash., over U.S. Highway 97 to the U.S.-Canada boundary line, (7) from Wenatchee, Wash., over U.S. Highway 2 to junction U.S. Highway 97, thence over U.S. Highway 97 to Brewster, Wash., (8) from Brewster, Wash., over Washington Highway 173 (formerly Washington Highway 10) to junction Washington Highway 17, thence over Washington Highway 17 to junction Washington Highway 174, thence over Washington Highway 174 to Grand Coulee, Wash., (9) from Tonasket, Wash., over Washington Highway 30 to Republic, Wash., (10) from Grand Coulee, Wash., over Washington Highway 155 to Coulee City, (11) from Coulee City, Wash., over U.S. Highway 2 to junction Washington Highway 17, thence over Washington Highway 17 to junction Washington Highway 28, thence over Washington Highway 28 via Quincy to Wenatchee, Wash., (12) from Spokane, Wash., over U.S. Highway 2 to junction U.S. Highway 97, thence over U.S. Highway 97, to Teanaway, Wash., thence over U.S. Highway 10 to Seattle Wash., (13) from Quincy, Wash., over Washington Highway 28 to junction Washington Highway 283 (formerly U.S. Highway 10), thence over Washington Highway 283 to junction U.S. Highway 10, thence over U.S. Highway 10 to Ellensburg, Wash., (14) from Prosser, Wash., over U.S.

Highway 410 to Yakima, Wash., thence over U.S. Highway 97 to Ellensburg, Wash., thence over U.S. Highway 10 to Teanaway, Wash., and (15) from Yakima, Wash., over U. S. Highway 97 to Maryhill, Wash., thence over U.S. Highway 830 to Vancouver, Wash., thence over U.S. Highway 99 to Portland, Oreg., and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 410), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed October 18, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Kalamazoo, Mich., over U.S. Highway 131 to Grand Rapids, Mich., with the following access routes (1) from Plainwell, Mich., over Michigan Highway 89 to junction U.S. Highway 131, (2) from Martin, Mich., over Michigan Highway 118 to junction U.S. Highway 131, and (3) from Wayland, Mich., over unnumbered county highway to junction U.S. Highway 131, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Kalamazoo, Mich., over unnumbered highway (formerly U.S. Highway 131) via Plainwell, Martin and Wayland, Mich., to Grand Rapids, Mich., and return over the same route.

No. MC 13300 (Deviation No. 12), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C. 27602, filed October 16, 1967. Carrier's representative: James E. Wilson, 1735 K Street NW., Washington, D.C. 20006. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Norfolk, Va., over Interstate Highway 264 to junction Virginia Highway 44, thence over Virginia Highway 44 to Virginia Beach, Va., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between Norfolk, Va., and Virginia Beach, Va., over U.S. Highway 58.

No. MC 61598 (Deviation No. 5), SMOKY MOUNTAIN STAGES, INC., Post Office Box 2387, Charlotte, N.C. 28201, filed October 17, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Chattanooga, Tenn., over Interstate Highway 75 to Cleveland, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 64 to Ranger, N.C., and return over the same route.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12874; Filed, Oct. 31, 1967; 8:49 a.m.]

[Notice 1118]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

OCTOBER 27, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 114364 (Sub-No. 125) (Republication), filed September 9, 1966, published FEDERAL REGISTER issue of October 6, 1966, and republished this issue. Applicant: WRIGHT MOTOR LINES, INC., Post Office Box 1191, Cushing, Okla., 74023. Applicant's representative: Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202. By application filed September 9, 1966, applicant seeks a certificate of public convenience and necessity, authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foodstuffs and dog foods, in cans in cartons, not requiring refrigeration, and not in bulk or in tank vehicles, from Gentry, Ark., Siloam Springs, Ark., the plantsite of Allen Canning Co., approximately 10 miles east of Siloam Springs, Ark., and Kansas, Okla., to Douglas, Flagstaff, Kingman, Phoenix, and Tucson, Ariz., Great Bend, Hutchinson, Liberal, Topeka, and Wichita, Kans., points in Nebraska, and Albuquerque, Gallup, and Santa Fe, N. Mex., and Abilene, Amarillo, Austin, Big Springs, Brownsville, Brownwood, Bryan, El Paso, Houston, Lubbock, Odessa, San Angelo, San Antonio, Tyler, Waco, and Wichita Falls, Tex. The application was referred to Examiner Harry M. Schooman for hearing and the recommendation of an appropriate order thereon. Hearing was held on March 8, 1967, at Little Rock, Ark.

A report and order of the Commission, Division 1, served August 7, 1967, which became effective September 9, 1967, by notice served September 18, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of (a) *canned goods* and (b) *dog food*, in packages, from the plantsites of Allen Canning Co. located at Gentry, Ark., Siloam Springs, Ark., at a point approximately 10 miles east of Siloam Springs, Ark., at Kansas and Proctor, Okla., to Great Bend, Liberal, Salina, Topeka, Hutchinson, and Wichita, Kans., points in Nebraska, and Albuquerque, Gallup, and Sante Fe, N. Mex., Abilene, Amarillo, Austin, Big Spring, Brownsville, Brownwood, Bryan, El Paso, Houston, Lubbock, Odessa, San Angelo, San Antonio, Tyler, Waco, and Wichita Falls, Tex., restricted (a) to traffic originating at and destined to the origins and destinations specified, and (b) against the transportation of dog food to points in Kansas and Nebraska, other than when moving in mixed loads with the commodities specified in (a) above; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117590 (Sub-No. 1) (Republication), filed January 25, 1965, published FEDERAL REGISTER issue of February 17, 1965, and republished this issue. Applicant: WOOD BY-PRODUCTS, INC., 420 28th Street North, Lewiston, Idaho. Applicant's representative: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane, Wash. By decision and order entered May 8, 1967, the Commission, Operating Rights Review Board Number 2, affirmed the findings of the examiner in its report and recommended order served July 28, 1966, as to a need for the proposed operations as a contract carrier by motor vehicle of wood chips and sawdust between numerous counties in Idaho, Washington, and Oregon, but found that the holding of such permit by applicant and the holding by the affiliated carrier, Zirbel Transport, Inc., of a certificate in No. MC 92633 (Sub-No. 1) had not been shown to be consistent with the public interest and the national transportation policy under section 210 of the act. In the said order entered December 22, 1966, Operating Rights Board No. 1 proposed several alternatives by which the above-mentioned objectionable dual operations might be removed, including as pertinent, a petition

for conversion of the authority held in No. MC 117590 and sought in No. MC 117590 (Sub-No. 1) from contract to common carriage. By separate petitions filed June 12, 1967, applicants in the above-entitled proceedings seek (a) reconsideration of the said order of December 22, 1967, and the said decision and order of May 8, 1967.

(b) Elimination of the objectionable dual operations by a conversion of the authority sought in No. MC 117590 (Sub-No. 1) from contract to common carriage and a cancellation of the authority held in No. MC 117590 conditioned upon a grant of authority in the said Sub-No. 1 proceeding, and (c) amendment of the application in the latter proceeding so as to seek a certificate; that the relief sought by applicants herein is an appropriate method for eliminating the objectionable dual operations; and that upon conversion of the authority sought in No. MC 117590 (Sub-No. 1) from contract to common carriage and revocation to the permit held in No. MC 117590, the issue as to dual operations under section 210 of the act will be eliminated; that the proceeding in No. MC 117590 (Sub-No. 1), be and it was hereby, reopened for reconsideration on the present record; and that the order of May 8, 1967, be, and it is hereby, vacated and set aside. An order of the Commission, Division 1, acting as an Appellate Division, dated October 16, 1967, served October 25, 1967, as amended, finds that in No. MC 117590 (Sub-No. 1) the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *wood chips and sawdust*, between points in Boundary, Bonner, Kootenai, Benewah, Lewis, Latah, Shoshone, Clearwater, Nez Perce, and Idaho Counties, Idaho, those in Morrow, Grant, Harney, Umatilla, Malheur, Wallowa, Union, and Baker Counties, Oreg., and those in Okanogan, Chelan, Grant, Benton, Douglas, Ferry, Stevens, Columbia, Asotin, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, and Garfield Counties, Wash.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be issued conditioned upon receipt from applicant of a request in writing for coincidental cancellation of the permit held in No. MC 117590.

Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127028 (Sub-No. 2) (Republication) filed October 3, 1966, published FEDERAL REGISTER issue of October 20, 1966, and republished this issue. Applicant: BREDEHOEFT PRODUCE CO., INC., Decatur, Ark. 72722. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. By application filed October 3, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of (1) foodstuffs and dog food, in cans, in cartons, not requiring refrigeration, and not in bulk or in tank vehicles, from Gentry and Siloam Springs, Ark., the plantsite of Allen Canning Co., approximately ten (10) miles east of Siloam Springs, and Kansas, Okla., to Douglas, Flagstaff, Kingman, Phoenix, and Tucson, Ariz., Great Bend, Liberal, Salina, Topeka, and Wichita, Kans., Bowling Green, Louisville, Paducah, and Pikeville, Ky., Alexandria, Baton Rouge, Lake Charles, New Orleans, and Shreveport, La., Baltimore, Md., Albuquerque, Gallup, and Santa Fe, N. Mex., Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio, Harrisburg, Philadelphia, and Pittsburgh, Pa., Abilene, Amarillo, Austin, Big Spring, Brownsville, Brownwood, Bryan, El Paso, Houston, Lubbock, Odessa, San Angelo, San Antonio, Tyler, Waco, and Wichita Falls, Tex., Danville, Norfolk, Richmond, and Roanoke, Va., and Charleston, W. Va., (2) empty cans, and closures therefor, from Arlington and Houston, Tex., New Orleans and Harvey, La., St. Louis and Kansas City, Mo., and Chicago, Ill., and points in its commercial zone, to Siloam Springs, Ark., (3) fiberboard cartons, from Kansas City, Kans., to Siloam Springs, Ark., and (4) raw sugar, in bags, from New Orleans, La., to Siloam Springs, Ark. The application was referred to Examiner Harry M. Schooman for hearing and the recommendation of an appropriate order thereon. Hearing was held on March 8, 1967, at Little Rock, Ark.

A report and order of the Commission, division 1, served August 7, 1967, which became effective September 9, 1967, by notice served September 18, 1967, as amended, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of (A) *canned goods* and (B) *dog food*, in packages, from the plantsites of Allen Canning Co. located at Gentry, Ark., at Siloam Springs, Ark., at a point approximately 10 miles east of Siloam Springs, Ark., at Kansas and Proctor, Okla., to Great Bend, Liberal, Salina, Topeka, Hutchinson, and Wichita, Kans., Bowling Green, Louisville, Paducah, and Pikeville, Ky., Alexandria, Baton Rouge, Lake Charles, New Orleans and Shreveport, La., Baltimore, Md., Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio, Harrisburg, Philadelphia, and Pittsburgh, Pa., Abilene, Amarillo, Austin, Big Spring, Brownsville, Brownwood, Bryan, El Paso, Houston, Lubbock, Odessa, San Angelo, San Antonio, Tyler, Waco, and Wichita Falls, Tex., Danville, Norfolk, Richmond, and Roanoke, Va., and Charleston, W. Va., restricted (a) to traffic originating at and destined to the origins and destinations specified, and (b) against the transportation of dog food to points in Kansas, other than when moving in mixed loads with the commodities specified in (A) above; (C) *empty cans, and closures therefor*, from Arlington and Houston, Tex., New Orleans and Harvey, La., to Siloam Springs, Ark.; and (D) *raw sugar*, in bags, from New Orleans, La., to Siloam Springs, Ark.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 35465 (Notice of Filing of Petition for Waiver of Rule 101(e), and Acceptance of This Petition for Filing, Reopening and Reconsideration and Modification of Certificate), filed August 30, 1967. Petitioner: GRANE TRUCKING COMPANY, INC., Chicago, Ill. Petitioner's representative: Beverley S. Simms, 480 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Petitioner is authorized in No. MC 35465 to transport general commodities, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points and places in that part of the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, located in Illinois. By the instant petition, petitioner prays the Commission to waive rule 101(e) of the general rules of practice and accept for filing this petition for reconsideration; and upon reconsideration to find: (1) That the record herein established the right to a grandfather certificate authorizing service between all points in the Chicago commercial zone, including specifically those located in Indiana; (2) that the restriction contained in petitioner's certificate limiting its service to those points in the zone located in Illinois is not in accord

with the evidence or the Commission's policy, and should therefore be deleted; and (3) that a corrected certificate should be issued authorizing unrestricted service between points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 129456 (Sub-No. 1), filed October 19, 1967. Applicant: TRANS CANADIAN COURIERS, LTD., 119 Adelaide Street, West, Toronto 1, Ontario, Canada. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, from the international boundary line between the United States and Canada located at the Niagara River at or near Niagara Falls, N.Y., and Fort Erie, Ontario, to the municipality of Buffalo, N.Y., under contract with the Royal Bank of Canada. NOTE: Applicant states it possesses authority to transport these commodities from the municipality of Metropolitan Toronto and the city of Hamilton to the international boundary at the Niagara River at or near Niagara Falls and Fort Erie for furtherance to points in the United States which was granted to it by Ontario Highway Transport Board. Applicant now requires authority from the Interstate Commerce Commission to perform transportation from the United States-Canadian border to the municipality of Buffalo, N.Y., in order to be able to render the complete service. This application is a matter directly related to Docket No. MC–F–9912, published FEDERAL REGISTER issue of October 25, 1967. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9915. Authority sought for merger into ALASKA STEAMSHIP COMPANY, Pier 42, Seattle, Wash. 98134, of the operating rights and property of KETCHIKAN WHARF COMPANY, Pier 42, Seattle, Wash. 98134, and for acquisition by SKINNER CORPORATION, and, in turn by D. E. SKINNER, both of Seventh Floor, Skinner Building, Seattle, Wash. 98101, of control of such rights and property through the transaction. Applicants' attorney: Edward G. Lowry III, 14th Floor, Norton Building, Seattle, Wash. 98104. Operating rights sought to be merged: *General commodities*, except those of unusual value, classes A and B explosives, and commodities in bulk, in wheelless van bodies, as a *common carrier*, over irregular routes, between points in Juneau, Alaska, between points in Ketchikan, Alaska. ALASKA STEAMSHIP COMPANY, is authorized to temporarily operate as a common carrier in the State of Alaska, and it controls AAA TRANSFER, INC., 558 Occidental Avenue South, Seattle, Wash. 98104, which is authorized to operate as a *common carrier* in the State of Washington. Application has not been filed for temporary authority under section 210a(b). NOTE: ALASKA STEAMSHIP COMPANY, controls KETCHIKAN WHARF COMPANY, through ownership of capital stock pursuant to authority granted in Docket No. MC–F–9577, effective May 24, 1967, and consummated July 20, 1967.

No. MC–F–9916. Authority sought for control and merger by HALL'S MOTOR TRANSIT COMPANY, 5th and Vine Streets, Sunbury, Pa., of the operating rights and property of SUPER SONIC SERVICE, INC., Greenville, Pa., and for acquisition by JOHN N. HALL, 1151 South 21st Street, Harrisburg, Pa., and W. LEROY HALL, 300 West Willow Street, Carlisle, Pa., of control of such rights and property through the transaction. Applicants' attorneys and representatives, respectively: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101, Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and M. E. Brunner, 5th and Vine Streets, Sunbury, Pa. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Youngstown, Ohio, and Oil City, Pa., serving all intermediate points; and the off-route points of Clarks Mills and New Lebanon, Pa., between Youngstown, Ohio, and Meadville, Pa., between Youngstown, Ohio, and Titusville, Pa., serving all intermediate points, and certain off-route points, between Hermitage, Pa., and Ellwood City, Pa., serving all intermediate points; and the off-route points of Koppel and Pulaski, Pa.; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Greenville, Pa., on the one hand, and, on the other, points in Ohio and Pennsylvania within 80 miles of Greenville; and *cream*, from points in Mercer and Crawford Counties, Pa., to Conneaut, Ohio. HALL'S MOTOR TRANSIT COMPANY, is authorized to operate as a *common carrier* in Pennsylvania, New York, Connecticut, New Jersey, Ohio, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9917. Authority sought for purchase by LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, Ky. 42431, of a portion of the operating rights of JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701, and for acquisition by RALPH LIGON, also of Madisonville, Ky., of control of such rights through the purchase. Applicants' attorneys: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101, and Thomas F. Kilroy, 913 Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *Water-well casing, pipe*, and *tubing*, except those requiring the use of special equipment because of size or weight, as a *common carrier*, over irregular routes, from certain specified points in Illinois, and Louisiana, Mo., to points in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Tennessee; *steel sheets, plates, channels, angles, crop ends, mine roof washers, pallets*, and *couplings*, from certain specified points in Illinois, to points in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Tennessee; *casing, pipe*, and *tubing*, from Irvington and Sparta, Ill., to points in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Tennessee; with restriction; and *pipe*, except those articles which because of size or weight require the use of special equipment, from St. Louis, Mo., to points in Illinois and Indiana. Vendee is authorized to operate as a *common carrier* in all States (except Alaska and Hawaii) and the District of Columbia; and as a *contract carrier* in all States (except Alaska, Hawaii, Idaho, Nevada, New Mexico, North Dakota, Wyoming, and the District of Columbia). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9918. Authority sought for purchase by MERCURY FREIGHT LINES, INC., Post Office Box 1247, 710 North Joachim Street, Mobile, Ala., of a portion of the operating rights and certain property of SAM N. COLE, doing business as ALABAMA-GEORGIA EXPRESS, 1701 First Avenue South, Birmingham, Ala., and for acquisition by CLARENCE LEVI, also of Mobile, Ala., of control of such rights and property through the purchase. Applicants' attorney and representative: Drew L. Carraway, 618 Perpetual Building, Washington, D.C. 20004, and SAM N. COLE, 1701 First Avenue South, Post Office Box 3327, Birmingham, Ala. Operating rights sought to be transferred: *General commodities*, except explosives, and commodities requiring special equipment, as a *common carrier*, over a regular route,

between Birmingham, Ala., and Atlanta, Ga., serving certain intermediate and off-route points, with restriction; and *general commodities*, except explosives, and commodities requiring special equipment, over irregular routes, between Birmingham, Ala., and points within 15 miles of Birmingham, on the one hand, and, on the other, certain specified points in Georgia. Vendee is authorized to operate as a *common carrier* in Alabama, Florida, Texas, and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9919. Authority sought for purchase by M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, Kans. 67214, of a portion of the operating rights of H. L. HERRIN, JR., 4928 Jefferson Highway, New Orleans, La. 70123, and for acquisition by M. BRUENGER, also of Wichita, Kans., of control of such rights through the purchase. Applicants' attorney: J. F. Miller, 7501 Mission Road, Shawnee Mission, Kans. 66208. Operating rights sought to be transferred: *Bananas*, as a *common carrier*, over irregular routes, from Gulfport, Miss., to points in Oklahoma, Kansas, and Missouri, except St. Louis and points in St. Louis and Cape Girardeau Counties, Mo. Vendee is authorized to operate as a *common carrier* in California, Kansas, Missouri, Oklahoma, Texas, Arizona, Washington, Louisiana, New Mexico, Florida, Utah, Colorado, and Nevada. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9920. Authority sought for purchase by PLAGGE TRUCK LINE, INC., 251 18th Street SE., Mason City, Iowa 50401, of a portion of the operating rights of SECO TRUCKING CO., 219 North Jackson, Mason City, Iowa 50401, and for acquisition by DUANE R. PLAGGE and DON A. PLAGGE, both of 251 18th Street SE., Mason City, Iowa, of control of such rights through the purchase. Applicants' attorney: Clayton L. Wornson, 824 Brick and Tile Building, Mason City, Iowa 50401. Operating rights sought to be transferred: *Fertilizer*, in containers, as a *contract carrier*, over irregular routes, from Mason City, Iowa, to points in Minnesota, Wisconsin, and the Upper Peninsula of Michigan. Vendee is authorized to operate as a *contract carrier* in Iowa, Minnesota, Illinois, North Dakota, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9921. Authority sought for purchase by BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903, of a portion of the operating rights and certain property of ALABAMA HIGHWAY EXPRESS, INC., 3300 South Fifth Avenue, Birmingham, Ala. 35205, and for acquisition by RALPH M. BOWMAN, also of East Gadsden, Ala., of control of such rights and property through the purchase. Applicants' attorney: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Operating rights sought to be transferred: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, as a *common carrier*, over irregular routes, between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other, Louisville, Ky., points in Indiana, and Tennessee, and certain specified points in Florida, Illinois, and Ohio. RESTRICTION: The authority granted immediately above is restricted against the transportation of cement and lime from origin points of Leeds, Roberta, Ragland, and North Birmingham, Ala.; *tires* and *tubes*, in shipments weighing not less than 10,000 pounds each from any one consignor, from Cumberland, Md., and points within 10 miles of Cumberland, to certain specified points in Alabama; *tire fabric*, in shipments weighing not less than 15,000 pounds each from any one consignor, from certain specified points in Georgia, and Decatur, Ala., to Cumberland, Md., and points within 10 miles of Cumberland; *empty spools, winding cores, core discs*, and *core protectors*, from Cumberland, Md., and points within 10 miles of Cumberland, to certain specified points in Georgia, and Decatur, Ala.; and *tires, tubes* and *rubber products*, from Cumberland, Md., to Atlanta, Ga. Vendee is authorized to operate as a *common carrier* in Alabama, Tennessee, South Carolina, Virginia, Maryland, Georgia, Florida, North Carolina, Mississippi, Arkansas, Kentucky, Louisiana, Delaware, West Virginia, Connecticut, New Jersey, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: F.D. 24792, simultaneously filed.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12875; Filed, Oct. 31, 1967; 8:49 a.m.]

[Notice 483]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 27, 1967.

The following are notices of filing of applications for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 25798 (Sub-No. 161 TA) filed October 20, 1967. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* as described in Parts A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; from Fremont and Scottsbluff, Nebr.; Huron and Mitchell, S. Dak.; to points in Alabama, Florida, Georgia, North Carolina, and South Carolina; for 180 days. Supporting shipper: Geo. A. Hormel & Co., Post Office Box 800, Austin, Minn. 55912. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1226, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 97216 (Sub-No. 2 TA), filed October 23, 1967. Applicant: LARRY TREBINO CONSTRUCTION COMPANY, INC., 5 Cypress Drive, Burlington, Mass. 01803. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass. 01601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite chips*, from Chelmsford and Littleton, Mass., to Danbury, Hartford, Newington, and North Haven, Conn.; *stone grit*, graded to size, from Plainville, Walpole, and Wrentham, Mass.; to Danbury, Hartford, Newington, and North Haven, Conn.; *dry expanded shale*, from Plainville, Mass., to Danbury, Hartford, Newington, and North Haven, Conn.; *sand*, screened, from Monson, Mass., to Danbury, Hartford, Newington, and North Haven, Conn.; *pumice*, from Boston, Mass., New Haven, Conn., North Haven, Conn., Portsmouth, N.H., to Acton, Medford, and Woburn, Mass.; *quartz* and *topaz*, from Lyndeboro, N.H., to Acton, Mass., Danbury, Conn., Hartford, Conn., Medford, Mass., Newington, Conn., North Haven, Conn. The above to be transported in bulk, in dump vehicles, for 150 days. Supporting shipper: Plasticrete Corp., 1883 Dixwell Avenue, Hamden, Conn. 06514. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Government Center, Boston, Mass. 02203.

No. MC 106760 (Sub-No. 85 TA), filed October 20, 1967. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio 43614. Applicant's representative: O. L. Thee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, knocked down or in sections or *prefabricated*

building sections and components together with materials necessary for the construction and erection thereof; from points in Pinellas County, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; for 180 days. Supporting: Florida Development Services, Inc., St. Petersburg, Pinellas County, Fla. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 113362 (Sub-No. 139 TA), filed October 20, 1967. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in appendix I, sections A, B, and C, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, from the plantsites of John Morrell & Co., at Sioux Falls and Madison, S. Dak., to points in Ohio, Michigan, Pennsylvania, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, and District of Columbia; for 180 days. Supporting shipper: John Morrell & Co., 1400 North Weber Avenue, Sioux Falls, S. Dak. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 113843 (Sub-No. 137 TA), filed October 20, 1967. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods;* (1) from Indianapolis, Ind., to Cleveland, Ohio; (2) from Quincy, Ill., to points in Indiana, Ohio, Michigan, Pennsylvania, New York, New Jersey, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; for 180 days. Supporting shipper: Stouffer's, Stouffer Foods Corp., 1375 Euclid Avenue, Cleveland, Ohio 44115. Send protests to: Richard D. Mansfield, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 116073 (Sub-No. 74 TA) filed October 20, 1967. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56561. Applicant's representative: John C. Barrett, 1825 Main Avenue, Moorhead, Minn. 56561. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers, pickup campers and special purpose trailers*, in truckaway service; from points in Natrona County, Wyo.; to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Montana, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; for 180 days. Supporting shipper: Banner Homes Corp., Post Office Box 2186, Casper, Wyo. 82601. Send protests to: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1621 South University Drive, Room 213, Fargo, N. Dak. 58102.

No. MC 119639 (Sub-No. 2 TA) filed October 19, 1967. Applicant: INCO EXPRESS, INC., 426 South Massachusetts, Seattle, Wash. 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat and meat products and articles* distributed by meat packinghouses as defined in Parts A and C of Appendix 1 to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; (2) *foods, frozen*, or those requiring refrigeration; (3) *dairy products*, frozen or requiring refrigeration; (4) *commodities*, the transportation of which would otherwise be exempt from economic regulation pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with the articles named in (1) through (3) above; (a) between points in Washington, on the one hand, and, on the other, points in California and Oregon; (b) between points in California, on the one hand, and, on the other, points in Oregon; for 180 days. Supporting shippers: Avoset Co., 5131 Shattuck Avenue, Oakland, Calif. 94609; Coast Packing Co., Inc., Post Office Box 11202, Portland, Oreg. 97211; Deaver Specialty Sales Co., 2500 Gilman Drive West, Seattle, Wash. 98119; Del Pero-Mondon Meat Co., 1109 Chestnut Street, Marysville, Calif. 95901; Henry House Packing Co., Inc., 1051 Fourth Avenue South, Seattle, Wash. 98134; Jerry Leipold Co., 935 South Caplan, Anaheim, Calif. 92802; Libby, McNeill & Libby, Post Office Box 3887, Seattle, Wash.; Manning's, Inc., 901 Battery Street, San Francisco, Calif. 94111; Ollie Welch Meat Co., Inc., Post Office Box 5636, Kenton Station, Portland, Oreg.; Perry Farms, 500 Terry Avenue North, Seattle, Wash. 98104; and S & P Meats, Post Office Box 4186, Spokane, Wash. 99202. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128273 (Sub-No. 15 TA), filed October 20, 1967. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box No. 189, Fort Scott, Kans. 66701. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and items* used in the manufacture, assembly, and operation of automatic automobile washing devices; from Siloam Springs, Ark., St. Joseph, Mo., Fort Scott, Kans., Kansas City, Mo., El Monte, Calif., Northbrook, Ill., Houma, La., and Muskogee, Okla., to points in the continental United States; for 180 days. Supporting shipper: Robo Wash, Inc., 2 Gregory Boulevard, Kansas City, Mo. 64114. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128375 (Sub-No. 13 TA), filed October 20, 1967. Applicant: CRETE CARRIER CORPORATION, Post Office Box 249, Crete, Nebr. 68333. Applicant's representative: Donald E. Leonard, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, materials, and supplies*, and *supplies and materials* utilized by automotive equipment manufacturers, between Columbus, Nebr., Maranna, Ark., Columbus, Tucker, Newnan, and Carrollton, Ga., Cleveland, Miss., Pontiac and Detroit, Mich., Daytona Beach, Fla., Memphis, Tenn., Pennsylvania under continuing contract with Douglas & Lomason Co., Detroit, Mich.; for 150 days. Supporting shipper: Douglas & Lomason Co., 5800 Lincoln Avenue, Detroit, Mich. 48208. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr. 68508.

No. MC 129095 (Sub-No. 1 TA), filed October 20, 1967. Applicant: A–1 VETERANS TRANSFER COMPANY, Athens, Ga. 30601. Applicant's representative: James Lamar Flemister, Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in: (a) The counties of Clarke, Barrow, Oconee, Jackson, Madison, Morgan, Hart, Oglethorpe, Wilkes, Greene, Walton, Gwinnett, Banks, Franklin, Stephens, Hall, Elbert, Lumpkin, Habersham, Towns, De Kalb, Union, Rabun, Putnam, Baldwin, Washington, and Gilmer, Ga.; (b) The counties of Anderson, Abbeville, McCormick, Pickens, Oconee, Greenville, and Edgeville, S.C.; *restricted* to shipments having a prior or subsequent movement in containers beyond said counties, and further restricted to pickup and delivery service incidental to and in connection with packing, crating and containerization, or unpacking, uncrating and decontainerization of such shipments over irregular routes; for 180 days. Supporting shipper: Fernstrom Moving System, Post Office Box 66220, Chicago, Ill. 60666. Send protests to: William L. Scroggs, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12876; Filed, Oct. 31, 1967; 8:49 a.m.]

[Notice 47]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 27, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69862. By order of October 19, 1967, the Transfer Board approved the transfer to Judith L. McKeever, doing business as Webster Van Lines, Seattle, Wash., of the operating rights in certificate No. MC-10280, issued September 23, 1965, to Slade Transfer and Storage Co., a corporation, Ogden, Utah, authorizing the transportation, over irregular routes, of household goods between points in Weber County, Utah, on the one hand, and, on the other, points in described parts of Idaho and Wyoming. George R. LaBissoniere, 920 Logan Building, Seattle, Wash., attorney for applicants.

No. MC-FC-69928. By order of October 19, 1967, the Transfer Board approved the transfer to Poteet Transfer Co., Inc., 1419 West Broadway, Morrilton, Ark., of Certificate of Registration No. MC-120111 (Sub-No. 1) issued September 8, 1964, to Lowell E. Turner, doing business as Turner Truck Line, Highway 65 South, Clinton, Ark., authorizing the transportation of general commodities between points in Arkansas.

No. MC-FC-69930. By order of October 19, 1967, the Transfer Board approved the transfer to Wilson Transportation Service, Inc., Ottawa, Ohio, of the operating rights in Certificates Nos. MC-17012, MC-17012 (Sub-No. 1) and MC-17012 (Sub-No. 5) issued February 21, 1957, September 20, 1957, and June 17, 1959, respectively, to Stelzer Transportation Service, Inc., Lima, Ohio, authorizing the transportation of: Household goods, canned goods, used canning machinery, supplies and machinery used in the canning industry and other commodities, between points in Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin. Paul F. Berry, 100 E. Broad Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-69933. By order of October 19, 1967, the Transfer Board approved the transfer to Jean Z. Vitz, doing business as Vita Moving & Storage, Seattle, Wash., of that portion of the operating rights in Certificate No. MC-128879 issued August 30, 1967, to C-B Truck Line, Inc., El Paso, Tex., authorizing the transportation of: Household goods, from El Paso, Tex., and points in specified counties in Texas, to points in specified counties in New Mexico. George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101, attorney for applicants.

No. MC-FC-69945. By order of October 19, 1967, the Transfer Board approved the transfer to Lou Mac Transfer, Inc., Miami, Fla., of the operating rights in Permit No. MC-128428 (Sub-No. 1) issued June 19, 1967, to Louis C. Bryan and Charles H. McBride, doing business as Lou Mac Transfer, Miami, Fla., authorizing the transportation of: Telephone equipment, and materials and supplies used in the installation, maintenance, and repair of such equipment, between Miami, Fla., on the one hand, and, on the other, points in Dade, Broward, and Monroe Counties, Fla. John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. 33125, attorney for applicants.

No. MC-FC-69947. By order of October 19, 1967, the Transfer Board approved the transfer to Streator Transfer & Storage Co., a corporation, Streator, Ill., of Certificate of Registration No. MC-98297 (Sub-No. 1) issued September 3, 1964, to Illinois Bee-Line Express, Inc., Geneva, Ill., authorizing the transportation of: Wallpaper and general freight within a 50-mile radius of 516 West Kinzie Street, Chicago, Ill., and to transport such property to or from any point outside of such authorized area of operation for a shipper or shippers within such area. Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-69948. By order of October 19, 1967, the Transfer Board approved the transfer to Ralph M. Little, Jr., Earl M. Schaffer, and Albert T. Kirby, copartners, doing business as Via Travels Ltd., New Kensington, Pa., of Broker License No. MC-12932 issued June 27, 1966, to Ralph M. Little, Jr., doing business as Via Travels Ltd., Kensington, Pa., authorizing the transportation of: Passengers and their baggage, in all expense round trip tours, beginning and ending at points in that part of Westmoreland County, Pa., on and north of U.S. Highway 22 and extending to points in the United States, including Alaska and Hawaii. Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219, attorney for applicants.

No. MC-FC-69949. By order of October 19, 1967, the Transfer Board approved the transfer to St. Louis Metro Express, Inc., St. Louis, Mo., of the operating rights in Certificate No. MC-21800 issued July 14, 1942, to Ford Drayage Service, Inc., St. Louis, Mo., authorizing the transportation of: General commodities, with the usual exceptions, between points and places in the St. Louis, Mo.-East St. Louis, Ill., COMMERCIAL ZONE, as defined by the Commission in 1 M.C.C. 656. Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101, attorney for applicants.

No. MC-FC-69968. By order of October 19, 1967, the Transfer Board approved the transfer to Consolidated Fast Freight, Inc., Chicago, Ill., of the operating rights in Certificate No. MC-26667, issued May 23, 1942, to Fred Rex, doing business as Rex & Rex, Chicago, Ill., authorizing the transportation of: Eggs and butter, over irregular routes, from Chicago, Ill., to New York, N.Y., and Boston, Mass., traversing Indiana, Ohio, and Pennsylvania for operating convenience only. Fish and sea foods, over irregular routes, from Boston, Gloucester, North Truro, and Provincetown, Mass., to Chicago, Ill. Edward A. Biggs, 127 North Dearborn Street, Chicago, Ill., attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-12877; Filed, Oct. 31, 1967; 8:49 a.m.]

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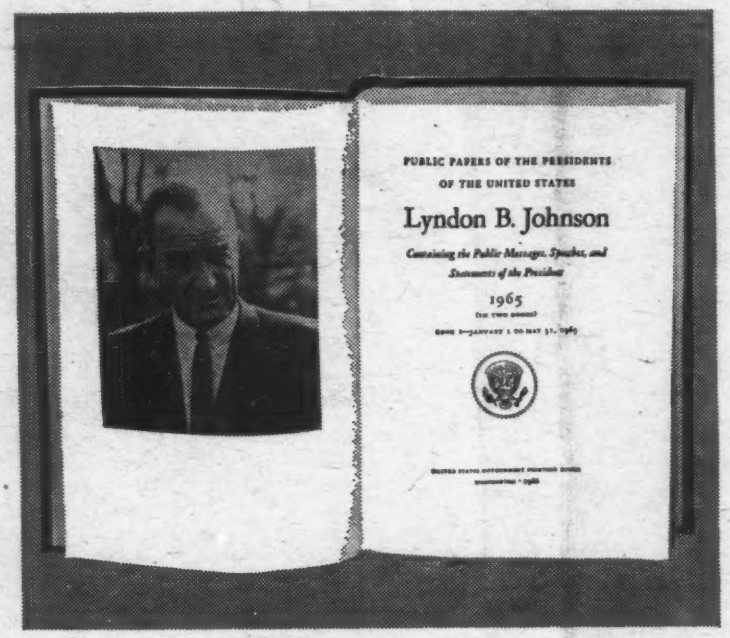

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